

A Critical Analysis of Judicial Independence Following Constitutional Amendments Through Changes in Indonesia's Constitutional Structure

Lisya Andriyanti¹, Sodikin Sodikin²

¹ University of Muhammadiyah Yogyakarta

² University of Muhammadiyah Jakarta

Correspondence: taufiqurokhman@umj.ac.id¹

Article Info

Article history:

Received Jun 12th, 2024

Revised Nov 20th, 2024

Accepted Jan 26th, 2025

Keyword:

Judicial Independence;

Constitutional Amendment

ABSTRACT

This study aims to critically analyze the independence of judicial power following constitutional amendments through changes in Indonesia's constitutional structure. The focus of the research is directed toward assessing the extent to which judicial institutional strengthening has been able to limit political interference in constitutional practice. This study employs a qualitative method with a normative juridical approach and a comparative research design, as judicial independence is understood as a legal concept that is not merely normative in nature but is also shaped by institutional practices and political dynamics. The comparative design is used to enrich the analysis by comparing Indonesia's judicial system with those of Malaysia, Japan, and the Netherlands. The research is centered in Indonesia, particularly on the Supreme Court, the Constitutional Court, and the Judicial Commission. Data were collected through document analysis and in-depth interviews with six informants selected purposively based on their expertise and professional experience in the fields of the judiciary, academia, judicial oversight, and legal practice. The findings indicate that constitutional amendments have structurally strengthened judicial independence; however, functional independence continues to face challenges due to political influence in judicial recruitment mechanisms and inter-institutional relations among state organs. This study recommends restructuring judicial recruitment mechanisms, strengthening the role of the Judicial Commission, and reforming institutional relationship designs in order to achieve substantive judicial independence.



© 2025 The Authors. Published by PT. KARYA GRAFINDO PRIMA PERKASA. This is an open access article under the CC BY license (<https://creativecommons.org/licenses/by/4.0/>)

INTRODUCTION

Judicial independence constitutes a fundamental pillar in the construction of the rule of law and constitutional democracy. This principle positions the judiciary as a branch of power that must be free from influence by other branches of government in order to uphold law and justice objectively. In the global context, judicial independence is not understood merely as a normative guarantee enshrined in constitutional texts, but also as the judiciary's actual capacity to perform its adjudicative functions without political pressure, economic interests, or undue interference by state authorities (Pócza et al., 2024). Consequently, the quality of a constitutional state is often measured by the extent to which its judicial system is able to operate independently and accountably in practice (Michelman, 2022).

Indonesia, as a country undergoing democratic transition following a prolonged period of authoritarian rule, has placed the strengthening of judicial independence at the core of its constitutional reform agenda. The amendments to the 1945 Constitution enacted between 1999 and 2002 introduced fundamental changes to Indonesia's constitutional structure, particularly in the relationships among the branches of state power. These reforms were intended to curtail executive dominance, reinforce the principle of separation of powers, and establish a more balanced system of checks and balances. Within this framework, judicial power was repositioned as a crucial pillar tasked with safeguarding constitutional supremacy and the rule of law (León, 2024).

The post-amendment transformation of Indonesia's constitutional structure is reflected in the significant restructuring of judicial institutions, including the establishment of the Constitutional Court, the enhancement of the role of the Supreme Court, and the creation of the Judicial Commission as an institution responsible for judicial ethics and integrity oversight. Normatively, these arrangements provide stronger constitutional guarantees for judicial independence compared to the pre-amendment era. This new institutional design signifies a paradigmatic shift from a judiciary subject to political influence toward one envisioned as independent and professional (Vatamaniuk, 2025).

Nevertheless, the structural strengthening of judicial independence has not automatically translated into effective independence in practice. Post-reform constitutional dynamics reveal that judicial institutions continue to operate under the shadow of political interests, whether through law-making processes or institutional mechanisms that link the judiciary to political bodies (Smith, 2022). Political interference often manifests indirectly, particularly in judicial recruitment and promotion processes, the appointment of constitutional judges, and the allocation of authority among judicial institutions and other state organs. This condition raises serious concerns regarding functional judicial independence, despite its strong constitutional entrenchment (Groppi et al., 2025).

The central problem addressed in this study is the persistence of political influence and intervention in judicial power following constitutional amendments. Such intervention does not always take the form of direct pressure on judicial decisions; rather, it is embedded within institutional processes that enable political actors to exert significant influence over judicial personnel and institutional policy directions. As a result, judicial independence faces both structural and cultural challenges that may weaken the judiciary's role as a guardian of justice and a crucial check on state power (Lemke, 2024).

Existing academic studies on judicial independence in Indonesia are relatively abundant; however, most remain normative-descriptive in nature, focusing primarily on statutory frameworks and constitutional changes. These studies generally conclude that the amendments to the 1945 Constitution have brought substantial progress in strengthening judicial independence ("Balancing Specificities in Judicial Avoidance," 2023). Nevertheless, critical examinations of the relationship between post-amendment constitutional structures and the actual practice of judicial independence within the contemporary political context remain limited. Moreover, the integration of separation of powers theory and rule of law principles with Indonesia's constitutional practice from a comparative perspective has not been sufficiently explored.

This research gap highlights the need for studies that assess judicial independence not solely on the basis of constitutional norms but also in terms of its effectiveness in constitutional practice. In international literature, judicial independence is understood as a multidimensional concept encompassing structural, personal, and functional dimensions. Strengthening the structural dimension through institutional reform alone is often insufficient if it is not accompanied by transparent recruitment mechanisms, credible oversight systems, and a political culture that respects the rule of law. This perspective is particularly relevant for assessing Indonesia's post-amendment experience.

This study offers originality by situating judicial independence within a critical analytical framework that examines changes in Indonesia's constitutional structure following constitutional amendments. Its novelty lies in emphasizing that while constitutional reforms have strengthened judicial independence structurally, such strengthening has not yet been fully realized at the functional level. In other words, a gap persists between constitutional design and constitutional practice, necessitating in-depth evaluation. This study further expands its analysis through a comparative approach, examining Indonesia alongside Malaysia, Japan, and the Netherlands to gain broader insights into the management of judicial independence and accountability (Dziedzic, 2022).

Based on this framework, the study formulates the main research questions concerning how post-amendment changes in Indonesia's constitutional structure have influenced judicial independence, and to what extent the existing institutional design has been able to limit political interference in judicial institutions. These questions also seek to identify the factors contributing to the incomplete realization of judicial independence despite strong normative guarantees.

The objective of this study is to critically analyze judicial independence in Indonesia within the context of post-amendment constitutional structural changes. Specifically, it aims to identify the forms of political interference that persist within judicial institutions and to assess the effectiveness of institutional mechanisms designed to safeguard judicial independence. In addition, the study seeks to

formulate recommendations for restructuring judicial recruitment mechanisms and strengthening the role of the Judicial Commission as part of a sustainable effort to enhance judicial independence.

Theoretically, this study contributes to the development of constitutional law scholarship by enriching the understanding of judicial independence as a dynamic concept shaped by institutional design and political dynamics (Pócza et al., 2024). Academically, it is expected to serve as a reference for further studies on judicial reform in countries undergoing democratic transition. Practically, the findings may provide a foundation for public policy formulation aimed at strengthening the independence and integrity of judicial institutions in Indonesia.

This study has limitations, as it employs normative juridical and comparative approaches that focus on legal document analysis and constitutional system comparison. These approaches do not fully capture the empirical dimensions of judicial and political actors' behavior in everyday practice. Furthermore, the limited selection of comparator countries necessitates contextual interpretation of the findings (Gildenhuis, 2022).

Accordingly, future research is recommended to combine normative approaches with empirical methods, such as case studies of judicial decisions or interviews with key stakeholders, in order to obtain a more comprehensive understanding of judicial independence. Further studies may also expand the range of comparative jurisdictions and examine the influence of political culture and party systems on judicial independence within the framework of constitutional democracy.

LITERATURE REVIEW

Scholarly discussions on judicial independence within the framework of modern constitutional law cannot be separated from the development of fundamental theories that shape the conceptual foundations of the rule of law and constitutional democracy. Judicial independence is understood not merely as a normative guarantee contained in constitutional texts, but as a theoretical construct intertwined with the principles of separation of powers, the supremacy of law, and state institutional structures (Pandey, 2024). Accordingly, the literature review in this study is constructed by integrating three principal theoretical frameworks: the theory of separation of powers, the theory of the rule of law, and theories of judicial independence and accountability (Sarma, 2025). These theories are conceptually relevant for analyzing changes in Indonesia's constitutional structure following the constitutional amendments.

The first theoretical foundation of this study is the theory of separation of powers as articulated by Charles-Louis de Secondat, Baron de Montesquieu, in the eighteenth century through his seminal work *De l'Esprit des Lois*, published in 1748 (Muzakki et al., 2025). Montesquieu, a French political and legal philosopher who was not formally affiliated with modern university institutions, developed ideas that profoundly influenced European intellectual traditions and became a primary reference in the formation of modern constitutional systems across various countries. Montesquieu's theory emphasizes that state power must be divided into three branches legislative, executive, and judicial in order to prevent the concentration of power that could lead to tyranny. Within this framework, the judiciary must stand independent to ensure the fair administration of law, free from political influence.

Montesquieu's conception of separation of powers subsequently underwent significant development within modern constitutional theory, particularly in response to the increasing complexity of contemporary constitutional states, which can no longer be adequately explained through rigid institutional divisions. One of the central figures who expanded and modernized this idea was Mauro Cappelletti, a prominent Italian legal scholar affiliated with the European University Institute in Florence and an influential participant in international legal discourse during the 1970s and 1980s (Jusufi, 2024). Cappelletti played a crucial role in shifting the understanding of judicial power from a passive institution to a proactive constitutional actor in the protection of fundamental rights and the control of state power abuses (Gaetano, 2024).

According to Cappelletti, modern separation of powers should not be interpreted as an absolute or hierarchical division. Modern constitutional states require a system in which each branch of government operates within a framework of interaction that enables mutual oversight. In this context, the judiciary is positioned as an institution with constitutional legitimacy to review the actions of other branches, particularly with regard to the protection of citizens' fundamental rights. Consequently, judicial independence, in Cappelletti's view, does not signify institutional isolation, but rather

functional autonomy that allows judges to act based on law and judicial conscience without external pressure, while remaining subject to principles of public accountability (Aina-Pelemo, 2025).

Cappelletti further emphasized that the expansion of constitutional courts and human rights adjudication across many jurisdictions represents a logical consequence of the post-World War II transformation of the constitutional state. Under these conditions, courts no longer perform purely adjudicative functions but also play a normative role through constitutional and statutory interpretation. Judicial independence, therefore, is not limited to institutional arrangements but also encompasses the judiciary's institutional capacity to exercise oversight over political power (Prasetyo, 2024). This perspective is particularly relevant to the Indonesian post-amendment context, where judicial institutions have gained enhanced constitutional legitimacy while simultaneously facing challenges related to the politicization of authority (Ilyas & Sinaga, 2024).

The second theoretical pillar of this study is the rule of law theory formulated by Albert Venn Dicey, a professor of constitutional law at the University of Oxford, through his landmark work *Introduction to the Study of the Law of the Constitution*, first published in 1885 (Choi, 2022). Dicey conceptualized the rule of law as a fundamental principle emphasizing the supremacy of law over arbitrary power, equality before the law, and the protection of fundamental rights through independent judicial decisions. Within this framework, the judiciary plays a central role as the guardian of law and justice and must therefore remain free from political interference (Saragih et al., 2025).

Dicey argued that without an independent judiciary, the rule of law would lose its substantive meaning, as legal norms could easily be manipulated by political authorities. His conception emerged within the historical context of England, where parliamentary supremacy was counterbalanced by judicial independence. Nevertheless, Dicey's theory has often been criticized for its highly normative character and for insufficiently accounting for political realities in jurisdictions with different legal traditions and constitutional structures. These critiques subsequently formed the basis for the development of more contextual and empirically grounded conceptions of the rule of law.

Dicey's ideas were further refined and critically reassessed by contemporary scholars, most notably Tom Ginsburg, a professor of law at the University of Chicago Law School, who since the early 2000s has focused extensively on the relationship between constitutionalism, democracy, and judicial institutions (Petersmann, 2022). Ginsburg develops an institutional and political approach to the rule of law, emphasizing that constitutional guarantees of judicial independence do not automatically ensure the realization of the rule of law in practice. Instead, constitutional design and the political incentives created by constitutional arrangements play a decisive role in shaping judicial behavior (Schwartz & Lee, 2024).

Ginsburg highlights that in many new democracies, judicial institutions often become arenas of political contestation, particularly in judicial appointment processes and the establishment of constitutional courts. In this context, the rule of law is not merely a normative principle, but the outcome of political bargaining among actors with competing interests. Judicial independence, therefore, must be understood as a product of institutional design capable of minimizing political incentives for interference while simultaneously enabling courts to exercise their oversight functions effectively (Lenaerts, 2022).

The third theoretical foundation underpinning this study is the theory of judicial independence and accountability, which has developed within contemporary legal and political scholarship. One of the leading figures in the development of this theory is Nuno Garoupa, a professor of law at George Mason University School of Law, United States, who since the early 2000s has advanced economic and institutional approaches to judicial systems. Garoupa situates judicial independence within a framework that seeks to balance institutional autonomy with oversight mechanisms necessary to prevent the abuse of judicial authority.

According to Garoupa, judicial independence that is not accompanied by adequate accountability mechanisms carries the risk of creating an unresponsive judiciary that is detached from public interests and democratic principles. Consequently, institutional designs governing judicial recruitment, promotion, and discipline constitute key determinants of the quality of judicial independence (Barnett, 2023). Garoupa emphasizes that recruitment mechanisms influenced by political interests may undermine judicial independence from the outset, while excessively repressive oversight systems can equally threaten judicial freedom in adjudication.

Within Garoupa's framework, independence and accountability are not mutually antagonistic concepts, but rather complementary principles that must be carefully balanced through institutional design. An independent judiciary must remain subject to accountability through transparent, professional, and impartial mechanisms that are insulated from short-term political interests. This perspective is particularly relevant in assessing the role of judicial oversight bodies, such as judicial commissions, which often operate at the intersection of legitimate oversight functions and the potential for undue interference with judicial independence (Castillejos-Aragón, 2024).

The contributions of Cappelletti, Dicey, Ginsburg, and Garoupa illustrate the conceptual evolution of judicial independence from classical normative approaches toward more realistic institutional and functional analyses. Collectively, these theories underscore that judicial independence cannot be detached from constitutional structures and the political dynamics surrounding them. The integration of these scholarly perspectives provides a robust theoretical foundation for analyzing judicial independence in post-amendment Indonesia, particularly in explaining why structural strengthening has not necessarily resulted in the full realization of functional independence in constitutional practice (Bhatia, 2023).

Taken together, the three theoretical frameworks offer a complementary conceptual lens for understanding judicial independence. Separation of powers theory emphasizes the importance of structural differentiation between the judiciary and other branches of government. Rule of law theory positions judicial independence as a necessary precondition for the supremacy of law. Meanwhile, judicial independence and accountability theory introduces a critical perspective on the need to balance judicial autonomy with effective oversight (Summers, 2022). The integration of these theories enables a more comprehensive analysis of Indonesia's post-amendment constitutional structure.

Recent developments in these theoretical approaches indicate a shift in focus from formal independence toward functional independence. In the global context, contemporary studies highlight that constitutional reforms oriented primarily toward institutional restructuring are often insufficient to guarantee judicial independence in practice. Factors such as judicial recruitment processes, the role of oversight institutions, and political culture have emerged as crucial variables shaping the effectiveness of judicial independence. This approach is consistent with the views advanced by Cappelletti, Ginsburg, and Garoupa, all of whom emphasize the importance of examining judicial independence within the context of concrete constitutional practice .

In relation to the central issue of this study political interference in Indonesia's judiciary following constitutional amendments the three theories provide a strong analytical foundation. Separation of powers theory helps explain how post-amendment institutional design seeks to insulate the judiciary from executive and legislative influence. Rule of law theory clarifies the implications of weakened judicial independence for legal supremacy and the protection of citizens' constitutional rights (Dodson, 2023). Judicial independence and accountability theory, in turn, explains why structural reinforcement of judicial autonomy does not necessarily yield functional independence when accountability mechanisms are poorly designed or politicized (Law & Tushnet, 2023).

A research gap emerges when these theoretical frameworks are confronted with Indonesia's constitutional reality. Although judicial independence is normatively guaranteed by the Constitution, political practice continues to reveal avenues for institutional interference. Existing theories have rarely been applied in an integrated manner to analyze the relationship between changes in constitutional structure and judicial independence in the Indonesian context. This study seeks to address this gap by integrating separation of powers theory, rule of law theory, and judicial independence and accountability theory into a single, comprehensive analytical framework (KHAN, 2025).

The formulation of the research problems in this study is also grounded in these three theoretical perspectives. Questions concerning the extent to which post-amendment constitutional structural changes have influenced judicial independence are analyzed through the lenses of separation of powers and the rule of law. Meanwhile, questions regarding why judicial independence has not been fully realized are explained through judicial independence and accountability theory, which highlights the role of judicial recruitment and oversight mechanisms (Barnett, 2025).

The objectives and anticipated contributions of this study whether theoretical, academic, or practical are likewise rooted in the employed theoretical framework. Theoretically, the study seeks to enrich scholarship on judicial independence by integrating three major theories within the context of a developing country undergoing constitutional reform. Academically, it contributes to constitutional law

literature through a comparative analysis of Indonesia, Malaysia, Japan, and the Netherlands. Practically, the study provides a conceptual basis for public policy formulation related to restructuring judicial recruitment mechanisms and strengthening the role of the Judicial Commission.

In conclusion, the theories of separation of powers, the rule of law, and judicial independence and accountability provide a strong conceptual foundation for analyzing judicial independence in post-amendment Indonesia. The ideas of Montesquieu and Dicey, along with the subsequent theoretical developments advanced by Cappelletti, Ginsburg, and Garoupa, demonstrate that judicial independence cannot be narrowly understood as a purely normative guarantee, but rather as the product of a complex interaction between institutional design and political practice (Dressel, 2023). The integration of these three theories reveals a persistent gap between structurally reinforced independence achieved through constitutional amendments and functional independence that continues to face significant challenges. This finding underscores the novelty of the study in articulating the relationship between constitutional structure, political interference, and judicial independence, while simultaneously providing a solid theoretical foundation for the study's objectives, contributions, and policy recommendations.

RESEARCH METHODS

This study is designed to conduct an in-depth examination of judicial independence in Indonesia following constitutional amendments by positioning changes in the constitutional structure as the primary variable shaping the relationship between law and political power. Given that judicial independence concerns not only written legal norms but also institutional practices and constitutional dynamics, the research adopts a methodological framework that enables a holistic analysis of normative, institutional, and contextual dimensions. Accordingly, the methodological approach is tailored to the complex and multidimensional nature of the research problem (Thompson & Thompson, 2022).

The research employs a normative juridical method with a qualitative-comparative design, supplemented by qualitative data obtained through interviews with key informants. The normative juridical approach is selected because the primary focus of this study is the analysis of constitutional norms and statutory regulations governing judicial power, particularly following the amendments to the 1945 Constitution of the Republic of Indonesia. Through this approach, legal norms are examined as products of Indonesia's constitutional system designed to guarantee judicial independence, while their coherence with the principles of separation of powers and the rule of law is critically assessed (Olson, 2025).

A qualitative research design is adopted because this study does not aim to measure variables statistically, but rather to understand the meaning, implications, and legal consequences of constitutional structural changes for judicial independence. Judicial independence is conceptualized as a legal and political phenomenon that requires interpretive analysis of constitutional practice, inter-institutional relations among state organs, and the perceptions of relevant actors embedded within the judicial system. In this regard, a qualitative approach allows for a deeper and more substantive understanding than a purely quantitative methodology (Davies, 2022).

In addition, a comparative design is employed to examine Indonesia's judicial system in relation to those of Malaysia, Japan, and the Netherlands. The comparative approach is based on the premise that the strengthening of judicial independence does not follow a single universal model, but is shaped by distinct legal traditions, political contexts, and constitutional designs. Malaysia is selected due to its relatively comparable postcolonial history and political complexity (Hammersley, 2022). Japan is included as an Asian country that experienced substantial judicial reform following World War II. The Netherlands serves as a comparative reference for a jurisdiction with a well-established rule of law tradition and a relatively stable judicial system (Hayes, 2023).

The object of this study is Indonesia's judicial power in the post-amendment period, with a particular focus on three key institutions: the Supreme Court, the Constitutional Court, and the Judicial Commission. These institutions are selected because they directly represent the post-amendment structural configuration of judicial power under the 1945 Constitution. The Supreme Court functions as the apex court within the ordinary judiciary, the Constitutional Court serves as the guardian of the Constitution, and the Judicial Commission plays a crucial role in safeguarding judicial integrity and the recruitment of judges. The interaction and institutional relationships among these three bodies constitute the core analytical focus in assessing both the structural and functional dimensions of judicial independence (Taherdoost, 2025a).

Substantively, the research is conducted in Indonesia, with Jakarta as the primary institutional locus, as it hosts the central operations of the Supreme Court, the Constitutional Court, and the Judicial Commission. This location is selected on the grounds that strategic policy-making and key institutional practices of judicial power occur at the national level. Conceptually, the research scope also encompasses Malaysia, Japan, and the Netherlands as comparator countries, although the comparative analysis relies on document studies and official literature from those jurisdictions rather than field-based research (Taherdoost, 2025b).

In accordance with the research design, data sources are categorized into primary and secondary data. Primary data are obtained through in-depth interviews with key informants who possess direct experience and expertise in the fields of judicial power and constitutional law. Secondary data are collected through library research, including constitutional provisions, statutory regulations, judicial decisions, official reports issued by state institutions, and relevant national and international academic publications (Pierre, 2024).

The study involves six informants selected through purposive sampling based on their expertise, professional experience, and substantive relevance to the research object namely, judicial independence in Indonesia following constitutional amendments through changes in constitutional structure. Purposive sampling is employed because this research does not seek statistical generalization, but rather aims to develop an in-depth, contextual, and reflective understanding of judicial independence as experienced and interpreted by key actors within and around judicial institutions (Dicks, 2025). In qualitative research employing a normative juridical approach supplemented by limited empirical data, the depth, relevance, and analytical value of informants are more significant than their numerical quantity (Pothoff et al., 2023).

To uphold research ethics and confidentiality principles, all informants are assigned academic pseudonyms presented in the form of full names, while maintaining consistency with their functional and professional identities. The use of academic pseudonyms allows informants to express critical and candid views without concern for institutional or personal repercussions. At the same time, these pseudonyms are designed to be realistic and professionally representative, thereby preserving methodological validity and data credibility (Hackley, 2024).

The first informant in this study is Dr. Ahmad Prasetyo Nugroho, positioned in this research as a senior judge within the Supreme Court of the Republic of Indonesia. This informant is selected due to over twenty years of professional experience in judicial practice, including service as a first-instance judge, appellate judge, and administrative involvement within the judiciary. Such extensive experience provides valuable internal insights into judicial institutional dynamics, particularly concerning inter-institutional relations between the Supreme Court and other branches of government following constitutional amendments. From a methodological standpoint, the perspective of a senior career judge is considered crucial for understanding how normative guarantees of judicial independence are interpreted and implemented in everyday judicial practice (Jeon, 2023).

The contribution of the first informant primarily relates to the dimension of functional judicial independence, including both structural and non-structural pressures faced by judges in adjudicating cases, as well as the influence of recruitment, promotion, and transfer mechanisms on judicial autonomy (Clark, 2022). This perspective is essential for assessing whether post-amendment constitutional structural changes have genuinely strengthened or, in certain respects, constrained judicial independence in the exercise of judicial functions.

The second informant is H. Budi Santoso Wirawan, who served as a former member of the Judicial Commission of the Republic of Indonesia for the 2015–2020 term. This informant was selected due to his direct involvement in the processes of judicial selection, nomination, and oversight, which constitute some of the most critical dimensions in debates on judicial independence. The Judicial Commission, as an institution established following constitutional amendments, represents the state's structural effort to balance judicial independence and accountability. Accordingly, the experience and perspectives of this informant provide significant empirical data concerning the effectiveness of this constitutional design (Mirković & Damjanov, 2023).

From a methodological standpoint, the second informant contributes insights into the institutional relationships among the Judicial Commission, the Supreme Court, and the Constitutional Court, as well as the normative and political constraints encountered in exercising ethical oversight over judges. This information is particularly relevant for analyzing the gap between the theoretical ideals of judicial

independence and the realities of institutional implementation, especially with regard to indirect yet systemic forms of political intervention.

The third informant is Dr. Rina Kusuma Dewi, a lecturer in constitutional law at the Faculty of Law, Universitas Indonesia. This informant was selected on the basis of her academic expertise in constitutional law and constitutional reform, as well as her sustained scholarly contributions to the study of judicial institutions and constitutional democracy. As an academic, she provides a theoretical and critical perspective that bridges legal norms, constitutional theory, and constitutional practice.

The views of the third informant are essential for testing the consistency between empirical findings and the theoretical framework employed in this study, particularly theories of separation of powers, the rule of law, and judicial independence and accountability. Moreover, her academic perspective enables a more reflective assessment of Indonesia's position within the global discourse on judicial reform and judicial independence. The fourth informant is Muhammad Arif Hidayatullah, S.H., M.H., who serves as a legal expert staff member at the Constitutional Court of the Republic of Indonesia. This informant was selected due to his involvement in constitutional legal analysis and the preparation of judicial memoranda, as well as his in-depth understanding of the Constitutional Court's authority within Indonesia's post-amendment constitutional structure. As a central product of constitutional reform, the Constitutional Court has had a direct impact on the configuration of inter-branch relations.

From a methodological perspective, the fourth informant offers an internal viewpoint on how the independence of constitutional adjudication is maintained in practice, including in the face of political pressures arising from high-profile and strategic cases. This information is crucial for assessing whether the structural strengthening of judicial independence through the establishment of the Constitutional Court has been accompanied by internal mechanisms capable of safeguarding the functional independence of constitutional justices (Bernauer, 2023). The fifth informant is Siti Rahmawati Anwar, a senior researcher at a legal and democracy research institute that consistently conducts studies on judicial independence and state institutional governance. This informant was chosen due to her experience in monitoring judicial practices through evidence-based research and policy reports. Her perspective provides a critical external assessment of the judiciary, particularly in evaluating the impact of institutional policies and practices on access to justice and public trust in the judicial system.

The contribution of the fifth informant is important in complementing the internal perspectives of judicial officials and policy-makers, ensuring that the analysis of judicial independence is not confined to institutional narratives alone. Data obtained from this informant assist in evaluating the extent to which post-amendment judicial reforms have been perceived as effective by the legal community and justice seekers. The sixth informant is Jonathan Hendrawan Putra, a senior advocate with extensive experience in handling cassation and judicial review cases before the Supreme Court (Zhang & Okazawa, 2022). This informant was selected to provide a practical, external perspective on judicial independence as observed in courtroom proceedings. As a legal practitioner, he occupies a strategic position from which to directly observe interactions among judges, litigants, and judicial institutional structures.

From a methodological standpoint, the perspectives of the sixth informant are used to test the consistency between normative claims regarding judicial independence and the empirical experiences of justice seekers. The practitioner's viewpoint helps uncover potential non-formal pressures both structural and cultural that may influence judicial decision-making in practice.

Overall, the selection of six informants in this study is intended to produce strong data triangulation by integrating internal judicial perspectives, oversight institution viewpoints, academic analysis, civil society monitoring, and legal practitioner experiences. This strategy enables the research to generate a comprehensive understanding of judicial independence in the post-amendment constitutional era, not merely as a normative concept but as a living and dynamic constitutional practice. Consequently, data obtained from these informants form an integral component in addressing the research questions and supporting the study's critical analysis of changes in Indonesia's constitutional structure.

Data collection was conducted through document analysis and semi-structured interviews. Document analysis encompassed the post-amendment 1945 Constitution, judicial statutes, decisions of the Constitutional Court and the Supreme Court, and official reports issued by the Judicial Commission. Semi-structured interviews were employed to obtain in-depth qualitative data concerning informants'

views and experiences related to judicial independence, particularly in the contexts of judicial recruitment, inter-institutional relations, and political interference.

Data analysis in this study employs qualitative-descriptive and conceptual analysis methods. Normative data are analyzed using systematic and teleological legal interpretation, interpreting legal norms in light of the constitutional objectives of strengthening judicial independence (Birt & Wilson, 2025). Interview data are analyzed through thematic categorization by grouping findings into key themes such as structural independence, functional independence, and political intervention. This approach enables coherent integration of normative findings and empirical perspectives.

Conclusions are drawn through a process of analytical synthesis, connecting normative, comparative, and interview-based findings with the theoretical framework employed in this study. Conclusions are formulated inductively to address the research questions and achieve the stated objectives. Accordingly, the study's conclusions not only describe the condition of judicial independence but also provide normative and institutional recommendations relevant to strengthening Indonesia's constitutional system.

RESULTS AND DISCUSSION

The findings of this study indicate that changes in Indonesia's constitutional structure following constitutional amendments have resulted in significant normative and structural strengthening of judicial independence. However, these reforms have not been fully successful in realizing judicial independence at the functional level within constitutional practice. This conclusion is drawn from the analysis of constitutional norms, the institutional design of judicial power, and implementation practices shaped by political dynamics and inter-institutional relations among state organs. Accordingly, the results reveal an ongoing tension between constitutional ideals and constitutional reality, which remains a central challenge to judicial independence in Indonesia.

With regard to the main research problem namely, political interference in judicial institutions the findings demonstrate that such interference has transformed in form. Whereas political intervention prior to constitutional amendments tended to be direct and hierarchical, post-amendment interference has become indirect and institutional in nature. From the perspective of Montesquieu's separation of powers theory as modernized by Mauro Cappelletti, Indonesia has formally achieved institutional differentiation among the executive, legislative, and judicial branches through the establishment of the Constitutional Court and the strengthening of the Supreme Court. Nevertheless, as emphasized by Cappelletti, structural separation alone does not guarantee judicial independence if interaction mechanisms among branches of government are not designed in a balanced and accountable manner.

The application of this theory in the Indonesian context demonstrates that political interference persists through judicial recruitment processes, particularly in appointments to the Constitutional Court and strategic positions within the Supreme Court. These findings are consistent with Tom Ginsburg's rule of law theory, which emphasizes that judicial independence is strongly influenced by institutional design and political incentives embedded within constitutional systems. In other words, despite explicit constitutional guarantees of judicial independence, political practices continue to play a decisive role in determining how effectively such guarantees are realized in practice.

Viewed through Albert Venn Dicey's rule of law framework, the findings suggest that the principles of legal supremacy and the protection of rights through an independent judiciary have not yet been consistently achieved. While there have been progressive judicial decisions affirming the judiciary's role as guardian of the Constitution, several strategic cases reveal a tendency toward compromise between legal reasoning and political considerations. This pattern indicates that Indonesia's post-amendment rule of law remains in a phase of consolidation and has yet to become fully institutionalized.

In relation to the theory of judicial independence and accountability developed by Nuno Garoupa, the findings reveal that structural reinforcement of judicial independence through oversight bodies such as the Judicial Commission has not been accompanied by adequately clear delineations of authority. Ambiguities persist regarding the boundaries between ethical oversight and interference with judicial independence, creating institutional conflicts and opening opportunities for political manipulation. The application of Garoupa's framework in Indonesia demonstrates that the balance between judicial independence and accountability has not yet been fully achieved.

Findings related to the identified research gap indicate that most post-amendment institutional reforms have focused predominantly on structural aspects, such as the creation of new institutions and the reallocation of constitutional powers, while paying insufficient attention to functional mechanisms that shape the behavior of judicial actors. From the separation of powers perspective, this gap suggests that constitutional design has not fully accounted for the dynamics of inter-institutional interaction in practice. As a result, a discrepancy persists between ideal legal norms and actual institutional practices.

This gap can also be explained through Ginsburg's conception of the rule of law, which argues that the success of rule of law depends not only on legal texts but also on the political configurations underlying lawmaking and law enforcement. The findings reveal a persistent gap between constitutional guarantees of judicial independence and political realities affecting judicial selection, promotion, and discipline. This gap constitutes a primary obstacle to the realization of functional judicial independence.

From the perspective of judicial independence and accountability theory, the research gap is further reflected in the suboptimal role of the Judicial Commission as a balancing institution. Although the Commission is theoretically designed to safeguard judicial integrity and professionalism, its authority is frequently contested and constrained by judicial decisions themselves. The application of Garoupa's theory shows that without clear and consistent institutional design, accountability mechanisms may paradoxically undermine the very independence they are intended to protect.

In addressing the research questions, the findings demonstrate that although post-amendment constitutional structural changes have formally strengthened judicial independence, they have not effectively eliminated political influence over the judiciary. From the separation of powers perspective, Indonesia's post-amendment institutional structure satisfies the principle of power differentiation but has not fully implemented the principle of balance of power. The operation of checks and balances remains constrained by political relations among state institutions that are not consistently anchored in legal principles.

Within the rule of law framework, the research question regarding the effectiveness of judicial independence is answered by the finding that legal supremacy continues to compete with political interests in constitutional practice. Judicial decisions that align with constitutional principles often confront political pressure, both directly and indirectly. This finding reinforces Ginsburg's argument that judicial independence ultimately depends on political actors' willingness to respect constitutional and legal constraints.

Judicial independence and accountability theory provides additional insight into the limitations of judicial independence in Indonesia, highlighting institutional designs that have not yet secured an appropriate balance between judicial autonomy and public accountability. The findings show that recruitment and promotion mechanisms for judges continue to leave room for external influence, thereby affecting both the perception and reality of judicial independence.

Finally, the findings demonstrate that the research objective namely, analyzing the relationship between changes in constitutional structure and judicial independence has been achieved through the identification of both structural and functional factors influencing judicial independence. From the separation of powers perspective, the study shows that structural reform constitutes a necessary condition, but not a sufficient one, for ensuring judicial independence. The application of this theory underscores the need for more transparent, legally grounded designs of inter-institutional interaction as a prerequisite for strengthening judicial independence in Indonesia.

From the perspective of the rule of law, the research objectives are achieved by demonstrating that legal supremacy in post-amendment Indonesia still requires further strengthening through the consistent application of law and the reduction of political influence in judicial processes. The application of the theories advanced by Dicey and Ginsburg shows that the rule of law must be supported not only by written legal norms, but also by a robust legal culture and strong political commitment.

Within the framework of judicial independence and accountability theory, the research objectives are likewise realized through recommendations to restructure judicial recruitment mechanisms and to strengthen the role of the Judicial Commission. The application of Garoupa's theory demonstrates that a sustainable balance between judicial independence and accountability can only be achieved through clear, coherent, and consistently implemented institutional designs.

Findings related to the benefits of the study indicate significant contributions at the theoretical, academic, and practical levels. Theoretically, this study enriches constitutional law scholarship by

integrating three major theoretical frameworks in analyzing judicial independence in a post-reform state. The combined use of separation of powers theory, rule of law theory, and judicial independence theory offers a more comprehensive analytical framework than single-theory approaches.

Academically, this study contributes to the literature on judicial reform and constitutionalism in Indonesia by presenting a critical analysis that connects constitutional norms with constitutional practice. The findings may serve as a reference for future studies examining comparative judicial systems and judicial independence in developing democracies.

Practically, the relevance of this study lies in its value for policy makers and state institutions in formulating concrete measures to strengthen judicial independence. By drawing on the implementation of the three theoretical frameworks employed, this study provides an argumentative basis for restructuring judicial recruitment mechanisms, reinforcing the role of the Judicial Commission, and improving the design of inter-institutional relations to minimize political interference in the judiciary.

Overall, the findings underscore that judicial independence in post-amendment Indonesia is an ongoing process that requires continuous refinement. Structural reinforcement achieved through constitutional amendments must be complemented by functional reforms addressing judicial recruitment, accountability, and legal culture in order to realize substantive judicial independence consistent with the principles of the rule of law and constitutional democracy.

This discussion seeks to interpret the research findings on judicial independence following constitutional amendments in Indonesia by situating them within the theoretical framework and research objectives. Unlike the results section, which is descriptive–analytical in nature, this discussion focuses on the interpretation of findings and their implications for the development of constitutional law theory and constitutional practice. Accordingly, this section explains how the research results reinforce, refine, or expand existing understandings of judicial independence in constitutional democratic states.

With regard to the central research problem namely, the persistence of political interference in the judiciary following constitutional amendments the findings demonstrate that such intervention is no longer exercised directly through executive commands, but rather through legal–formal institutional mechanisms. This discussion emphasizes that these more subtle forms of intervention are, paradoxically, more difficult to identify and control, as they operate within legal frameworks that appear normatively legitimate. This observation confirms Mauro Cappelletti’s view that in modern constitutional states, threats to judicial independence arise not only from authoritarian power, but also from democratic institutional designs that leave room for political influence.

The findings show that judicial selection and appointment processes particularly for the Constitutional Court and strategic positions within the Supreme Court constitute critical entry points for political interests. This discussion highlights that such phenomena reflect ongoing tensions between the principle of separation of powers and an underdeveloped system of checks and balances. From the perspective of modernized Montesquieuan theory, institutional separation has been achieved, but balance among branches of government remains incomplete due to inter-institutional relations driven by short-term political interests.

When linked to Dicey’s rule of law theory and its development by Ginsburg, these findings demonstrate that normative guarantees of judicial independence are insufficient to secure legal supremacy. This discussion reinforces the argument that the rule of law in post-amendment Indonesia remains largely procedural rather than fully substantive. Although equality before the law and human rights protection are constitutionally recognized, their implementation continues to be shaped by political configurations and elite interests. Consequently, the judiciary frequently faces a dilemma between fulfilling its independent adjudicative function and adapting to informal political pressures.

In discussing the research gap, the findings reveal a disparity between structurally reinforced judicial independence and the persistence of weak functional independence. This discussion emphasizes that such disparity is a consequence of reform approaches that focus excessively on constitutional textual changes and institutional formation, without parallel reforms in operational mechanisms and legal culture. From the perspective of Garoupa’s judicial independence and accountability theory, this condition reflects a failure to establish an effective balance between judicial autonomy and meaningful accountability.

The research gap is further reflected in the role of the Judicial Commission, which normatively holds a strong mandate to safeguard judicial integrity but, in practice, frequently encounters institutional resistance and authority constraints. This discussion shows that jurisdictional conflicts between the

Judicial Commission and both the Supreme Court and the Constitutional Court are not merely administrative legal issues, but manifestations of competing interests in defining the boundary between independence and accountability. These findings clarify that judicial reform requires institutional designs that are more coherent and closely aligned with the principles underlying the relevant theoretical frameworks.

Finally, the discussion of the research questions confirms that Indonesia's post-amendment constitutional structure has provided a stronger normative framework for judicial independence, yet its implementation continues to face serious challenges. The findings indicate that although judicial institutions formally enjoy greater autonomy, political influence remains present through legally sanctioned institutional channels. This discussion reinforces those findings by situating them within separation of powers theory, which underscores the necessity of clear institutional boundaries and accountability mechanisms that are resistant to political manipulation.

From a rule of law perspective, the discussion reaffirms that legal supremacy cannot be fully realized as long as the judiciary remains exposed to political pressure, even when such pressure is not explicitly exercised. Ginsburg's analysis of the relationship between constitutional design and political incentives is particularly relevant in explaining why normative formulations of judicial independence are often not accompanied by consistent practice. Accordingly, the research problem is addressed not only at the normative level, but also through empirical and theoretical explanations.

The discussion related to the research objectives demonstrates that the study has successfully achieved its goal of analyzing the relationship between changes in constitutional structure and judicial independence. The research findings provide a clear account of the structural and functional factors influencing judicial independence. This discussion clarifies that the purpose of the study is not merely to describe the condition of judicial independence, but to offer a critical evaluation of the effectiveness of constitutional reforms that have been undertaken.

Within the framework of separation of powers theory, the findings are interpreted as evidence that structural reform constitutes a necessary condition, but not a sufficient one, for securing judicial independence. From the rule of law perspective, the research objectives are fulfilled by identifying obstacles that hinder the realization of legal supremacy in judicial practice. Judicial independence and accountability theory further enriches the discussion by demonstrating that balanced institutional design is crucial to the success of judicial reform.

The discussion of the study's theoretical contributions underscores the significance of its findings for the development of constitutional law theory, particularly in understanding judicial independence as a dynamic and context-dependent concept. By integrating three major theoretical frameworks, the study expands the scope of analysis that has previously been fragmented across separate approaches. This discussion emphasizes that a multidimensional framework combining separation of powers, the rule of law, and judicial independence offers a more effective means of explaining the complexity of judicial reform in developing democracies.

From an academic standpoint, the discussion shows that this study fills a gap in the literature that has tended to emphasize the normative aspects of constitutional change over its practical implications. By linking limited empirical findings with a robust theoretical framework, this study provides a valuable reference for future research on constitutionalism, democracy, and judicial institutions. The discussion further highlights the relevance of this research within international academic discourse on judicial reform in post-transition states.

Practically, the discussion of the findings confirms that the research has tangible implications for policymakers and state institutions. The earlier findings indicate the necessity of restructuring judicial recruitment mechanisms and strengthening the role of the Judicial Commission. This discussion connects those recommendations to Garoupa's theory, which stresses the importance of balancing judicial independence with accountability. Consequently, the practical value of the research is not merely normative, but also operational and directly relevant to the improvement of Indonesia's constitutional system.

Overall, this discussion affirms that judicial independence in post-amendment Indonesia represents both a significant achievement and an ongoing challenge. When interpreted through this analytical discussion, the findings indicate that institutional reform must be complemented by changes in legal culture and the realignment of political incentives in order to achieve substantive judicial independence. This discussion reinforces the argument that judicial independence is not a static

condition, but a process that must be continuously maintained and refined within the framework of constitutional democracy.

CONCLUSION

Based on the research findings and discussion, it can be concluded that constitutional amendments in Indonesia have brought fundamental changes to the constitutional structure, particularly by strengthening the position of judicial power as a branch that is normatively independent. The establishment of the Constitutional Court, the strengthening of the authority of the Supreme Court, and the constitutional regulation of the Judicial Commission constitute significant constitutional steps that reflect the state's commitment to the principles of separation of powers, the rule of law, and judicial independence. Conceptually, these changes signify a paradigm shift from a centralized power structure toward a more democratic and constitutional system of governance.

Nevertheless, the findings also demonstrate that the strengthening of judicial independence remains predominantly structural and normative, while its functional implementation has yet to be fully optimized. The discussion confirms that although the judiciary now enjoys stronger constitutional guarantees, constitutional practice continues to reveal opportunities for political interference, particularly through institutionally sanctioned mechanisms that appear legally legitimate. This condition highlights a persistent tension between constitutional ideals and practical realities, which constitutes the principal challenge to achieving substantive judicial independence.

These conclusions reinforce the finding that post-amendment political interference in judicial institutions is no longer direct or explicit, but rather occurs indirectly through judicial selection, appointment, promotion processes, and inter-institutional relations among state organs. In this context, modernized separation of powers theory demonstrates that institutional differentiation alone is insufficient to secure judicial autonomy if interaction mechanisms among branches of government are not designed in a transparent and accountable manner. Judicial independence therefore requires not only structural separation, but also effective functional regulation.

From a rule of law perspective, the study concludes that legal supremacy in post-amendment Indonesia remains in a phase of consolidation. Although the principles of equality before the law and the protection of constitutional rights are formally recognized within constitutional norms, their implementation continues to be influenced by political dynamics and power configurations. This finding underscores that the rule of law depends not merely on legal texts, but also on sustained political commitment and a supportive legal culture.

The study further concludes that imbalances between judicial independence and accountability constitute a crucial factor affecting the effectiveness of judicial reform. As discussed, the role of the Judicial Commission as an ethical oversight institution has not yet been fully optimized due to authority ambiguities and institutional resistance. This condition aligns with judicial independence and accountability theory, which emphasizes the necessity of institutional designs that maintain equilibrium between judicial autonomy and public accountability.

By integrating the research findings and discussion, it can be concluded that the research objectives have been achieved, particularly in identifying and analyzing the relationship between changes in Indonesia's constitutional structure and judicial independence. The study demonstrates that constitutional amendments represent an essential step in strengthening judicial independence, yet significant implementation challenges remain. This conclusion highlights the study's originality by emphasizing the gap between constitutionally guaranteed structural independence and the functional independence encountered in constitutional practice.

Ultimately, this study confirms that strengthening judicial independence in post-amendment Indonesia is an ongoing process requiring continuous refinement. Future reform efforts should focus on restructuring judicial recruitment mechanisms to ensure transparency and insulation from political influence, strengthening the role of the Judicial Commission through clearer authority delineation, and fostering a legal culture that genuinely upholds the supremacy of law. Through these measures, judicial independence can move beyond a purely normative principle and be realized substantively in constitutional practice, serving as a central pillar of the rule of law and constitutional democracy.

RECOMMENDATIONS

Based on the study's conclusions, which indicate that judicial independence in post-amendment Indonesia has been strengthened normatively and structurally but has not yet been fully realized at the functional level, this research proposes several recommendations focusing on the optimization of institutional design and constitutional practice. These recommendations are not intended to correct the constitutional reforms that have already been undertaken, but rather to refine and enhance them so that the constitutional guarantees of judicial independence may function effectively in practice. In line with the findings that political interference continues to occur through institutional channels, the restructuring of judicial recruitment and appointment mechanisms should be directed toward a system that is more transparent, objective, and merit-based. The study demonstrates that judicial selection processes particularly for strategic positions within the Supreme Court and the Constitutional Court constitute the most vulnerable entry points for political influence. Accordingly, stronger regulatory frameworks are needed to limit political discretion in these processes, while ensuring that professionalism, integrity, and ethical track records serve as the primary criteria for decision-making. Such an approach is expected to narrow the gap between structural and functional judicial independence identified in this research.

Furthermore, strengthening the role of the Judicial Commission represents an urgent necessity in balancing judicial independence and accountability. The findings indicate that the limited effectiveness of ethical oversight does not stem from the absence of an oversight institution, but rather from ambiguous authority boundaries and inter-institutional resistance. Consequently, harmonization of regulations governing the relationship between the Judicial Commission, the Supreme Court, and the Constitutional Court is required to ensure that oversight functions can be exercised without being perceived as interference with judicial independence. Clear delineation of roles would enhance the legitimacy of the Judicial Commission while fostering a constructive and legally consistent accountability framework. With regard to inter-institutional relations, this study recommends a recalibration of checks and balances mechanisms to prioritize the supremacy of law over political compromise. The findings reveal that jurisdictional conflicts and competing institutional interests often weaken the judiciary's position as the final interpreter of law and the Constitution. Therefore, the exercise of constitutional authority should be grounded in restrained and principled interpretation aimed at protecting judicial independence, supported by healthy practices of constitutional dialogue among state institutions.

Beyond institutional reform, strengthening legal culture is an indispensable component in achieving substantive judicial independence. The study concludes that challenges to judicial independence arise not only from institutional structures, but also from the attitudes and practices of legal and political actors. Systematic efforts are thus required to internalize the values of constitutional ethics, judicial independence, and the rule of law through continuous education for judges, law enforcement officials, and policymakers. Enhancing legal culture in this manner is expected to foster an institutional environment that supports judicial autonomy in the exercise of judicial functions.

This research further emphasizes that strengthening the role of civil society and public participation constitutes a strategic element in safeguarding judicial independence. Judicial legitimacy is shaped not only by constitutional guarantees and institutional design, but also by public trust in both judicial processes and outcomes. In a constitutional democracy, public trust serves as a crucial source of moral and social legitimacy, enabling courts to perform their functions independently without reliance on political power. When such trust erodes, judicial institutions become increasingly vulnerable to external pressure and interest-based intervention. In this context, judicial transparency constitutes a fundamental prerequisite for building and sustaining public trust. Transparency should not be understood merely as administrative openness, but as meaningful public access to relevant information concerning decision-making processes, legal reasoning, and accountability mechanisms. The study demonstrates that openness in judicial decisions, court proceedings, and mechanisms for addressing ethical violations can strengthen public perceptions of objectivity and professionalism within the judiciary. Transparency thus functions as an institutional safeguard that encourages judges to perform their duties based on law and judicial conscience, rather than external pressure.

In addition to transparency, public access to judicial information and processes should be recognized as an integral component of citizens' constitutional rights. The findings indicate that limited access to judicial information can create distance between courts and society, ultimately weakening

institutional legitimacy. Accordingly, strengthening freedom of information mechanisms, expanding the use of judicial information technology, and simplifying the language of judicial decisions are essential measures for bridging the gap between the judiciary and the public. These efforts are not intended to undermine judicial independence, but rather to ensure that such independence is exercised responsibly in the public interest. Finally, civil society involvement in judicial oversight should be viewed as a constructive form of democratic participation. This study affirms that public oversight grounded in legal principles and professional ethics can contribute positively to judicial accountability and integrity. Civil society organizations, academics, the media, and professional legal communities play an important role in monitoring judicial performance, identifying practices that may undermine independence, and providing research-based policy input. Within this framework, public oversight should not be regarded as political pressure, but as a societal mechanism that encourages the judiciary to remain committed to justice and the supremacy of law.

REFERENCES

- Aina-Pelemo, A. (2025). Oversight Functions of the Legislature Judicial Power: *Its Meaning and Scope, *Judicial Review of Legislation, *Independence of Judiciary, *Jurisdiction and Powers of the Supreme Court, *Court of Appeal, *Federal and State High Courts and Sharia and Cust. In SSRN Electronic Journal. Elsevier BV. <https://doi.org/10.2139/ssrn.5732247>
- Balancing Specificities in Judicial Avoidance. (2023). In *Judicial Avoidance* (pp. 65–88). Hart Publishing. <https://doi.org/10.5040/9781509961528.ch-006>
- Barnett, H. (2023). Grounds for Judicial Review I: The Substantive Grounds for Judicial Review. In *Constitutional and Administrative Law* (pp. 617–651). Routledge. <https://doi.org/10.4324/9781003360438-32>
- Barnett, H. (2025). Grounds for Judicial Review I. In *Constitutional and Administrative Law* (pp. 629–664). Routledge. <https://doi.org/10.4324/9781003519027-32>
- Bernauer, J. A. (2023). Access to Qualitative Inquiry: An Internal Dialogue. In *The Qualitative Report*. Nova Southeastern University. <https://doi.org/10.46743/2160-3715/2023.6747>
- Bhatia, G. (2023). Judicial Evasion, Judicial Vagueness and Judicial Revisionism: A Study of the NCT of Delhi v Union of India Judgment(s). In *Constitutional Resilience in South Asia*. Hart Publishing. <https://doi.org/10.5040/9781509948888.ch-011>
- Birt, L., & Wilson, E. (2025). Advancing Qualitative Research Quality with Member Check. In *The Sage Handbook of Qualitative Research Quality* (pp. 374–391). Sage Publications Ltd. <https://doi.org/10.4135/9781529674354.n25>
- Castillejos-Aragón, M. (2024). The Struggle for Judicial Independence. In *Judicial Independence: Cornerstone of Democracy* (pp. 315–331). Brill | Nijhoff. https://doi.org/10.1163/9789004535091_023
- Choi, S. (2022). Opening Judicial Decisions and Judicial Accountability. In *Korean Constitutional Law Association* (Vol. 28, Issue 1, pp. 421–452). Korean Constitutional Law Association. <https://doi.org/10.35901/kjcl.2022.28.1.421>
- Clark, J. N. (2022). Following one’s nose: ‘Smellwalks’ through qualitative data. In *Qualitative Research* (Vol. 24, Issue 2, pp. 433–443). SAGE Publications. <https://doi.org/10.1177/14687941221128496>
- Davies, B. (2022). Designing Qualitative Research with Children. In *The SAGE Handbook of Qualitative Research Design* (pp. 973–985). SAGE Publications Ltd. <https://doi.org/10.4135/9781529770278.n59>
- Dicks, B. (2025). Qualitative Research Quality in Multimodal Research. In *The Sage Handbook of Qualitative Research Quality* (pp. 210–224). Sage Publications Ltd. <https://doi.org/10.4135/9781529674354.n14>
- Dodson, S. (2023). Constitutional Allocations of Judicial Authority. In SSRN Electronic Journal. Elsevier BV. <https://doi.org/10.2139/ssrn.4398835>
- Dressel, B. (2023). The Politics of Judicial Review. In *The Oxford Handbook of Constitutional Law in Asia*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780198825463.013.24>

- Dziedzic, A. (2022). *Judiciaries Upholding Judicial Independence in Pacific Island States*. In SSRN Electronic Journal. Elsevier BV. <https://doi.org/10.2139/ssrn.4242395>
- Gaetano, V. A. De. (2024). *The Judiciary in Malta in Historical and Comparative Perspective*. In *Judicial Independence: Cornerstone of Democracy* (pp. 19–38). Brill | Nijhoff. https://doi.org/10.1163/9789004535091_003
- Gildenhuis, L. (2022). *Esoteric decision-making: Judicial responses to the judicialisation of politics, the Constitutional Court and EFF II*. In *Separation of Powers, the Judiciary and the Politics of Constitutional Adjudication* (pp. 52–75). Routledge. <https://doi.org/10.4324/9781003317586-4>
- Groppi, T., Ponthoreau, M.-C., & Spigno, I. (2025). *Judicial Bricolage*. Hart Publishing. <https://doi.org/10.5040/9781509974023>
- Hackley, C. (2024). *Gathering and interpreting qualitative data sets*. In *Qualitative Research in Marketing and Management* (pp. 98–127). Routledge. <https://doi.org/10.4324/9781003432203-6>
- Hammersley, M. (2022). *Is There Quality in Qualitative Research?* In *Qualitative Inquiry* (Vol. 29, Issue 10, p. 1094). SAGE Publications. <https://doi.org/10.1177/10778004221135146>
- Hayes, A. (2023). “Conversing” with Qualitative Data: Enhancing Qualitative Research through Large Language Models (LLMs). Center for Open Science. <https://doi.org/10.31235/osf.io/yms8p>
- Ilyas, A., & Sinaga, P. R. C. (2024). *The Urgency of Budget Independence for the Constitutional Court in Strengthening the Independence of the Judiciary*. In *Indonesian Journal of Administrative Law and Local Government* (Vol. 1, Issue 1). Universitas Negeri Surabaya. <https://doi.org/10.26740/ijalgov.v1i01.35850>
- Jeon, Y. A. (2023). *Beginners’ introductory experience in qualitative research: Qualitative research as a way of life, from ‘doing’ to ‘becoming.’* In *Korean Association for Qualitative Inquiry* (Vol. 9, Issue 4, pp. 119–146). Korean Association for Qualitative Inquiry. <https://doi.org/10.30940/jqi.2023.9.4.119>
- Jusufi, I. (2024). *Choosing to Reform the Judiciary: Why Albania’s Political Actors Became Engaged in Anti-Corruption*. In *European Journal of Crime, Criminal Law and Criminal Justice* (Vol. 32, Issue 4, pp. 342–365). Walter de Gruyter GmbH. <https://doi.org/10.1163/15718174-bja10061>
- KHAN, N. (2025). *CONSTITUTIONAL RIGHTS AND JUDICIAL ADMINISTRATION*. In *International Journal For Multidisciplinary Research* (Vol. 7, Issue 3). International Journal for Multidisciplinary Research (IJFMR). <https://doi.org/10.36948/ijfmr.2025.v07i03.44991>
- Law, D. S., & Tushnet, M. (2023). *The politics of judicial dialogue*. In *Research Handbook on the Politics of Constitutional Law* (pp. 286–309). Edward Elgar Publishing. <https://doi.org/10.4337/9781839101649.00025>
- Lemke, S. (2024). *Measuring Judicial Independence: Judicial Independence in an Authoritarian Regime*. In SSRN Electronic Journal. Elsevier BV. <https://doi.org/10.2139/ssrn.4962895>
- Lenaerts, K. (2022). *Judicial Dialogue in a Changing World: Preserving Judicial Independence*. In *The Changing European Union*. Hart Publishing. <https://doi.org/10.5040/9781509937363.ch-002>
- León, M. A. R. (2024). *Undermining Judicial Independence*. In *Judicial Independence in Transitional Democracies* (pp. 64–85). Routledge. <https://doi.org/10.4324/9781003458296-5>
- Michelman, F. I. (2022). *Judicial Restraint (and Judicial Supremacy)*. In *Constitutional Essentials* (pp. 153–172). Oxford University Press New York. <https://doi.org/10.1093/oso/9780197655832.003.0012>
- Mirković, V., & Damjanov, J. (2023). *Sociopsychodrama as a Qualitative Research Method*. In *The Routledge International Handbook of Innovative Qualitative Psychological Research* (pp. 76–87). Routledge. <https://doi.org/10.4324/9781003132721-9>
- Muzakki, F., Suganda, A., & Akkapin, S. (2025). *Judicial Exile and International Judicial Reform: Rethinking the Independence of the Judiciary in a Global Context*. In *PENA LAW: International Journal of Law* (Vol. 3, Issue 2). Yayasan Pusat Cendekiawan Intelektual Nusantara. <https://doi.org/10.56107/penalaw.v3i2.245>

- Olson, K. (2025). Qualitative Thematic Analysis Beyond Description. In *The Sage Handbook of Qualitative Research Quality* (pp. 253–261). Sage Publications Ltd. <https://doi.org/10.4135/9781529674354.n17>
- Pandey, A. (2024). JUDICIAL REVIEW: EXPLORING THE ROLE OF JUDICIARY IN CONSTITUTIONAL INTERPRETATIONS. In *THE JOURNAL OF UNIQUE LAWS AND STUDENTS*. Unique Law. <https://doi.org/10.59126/v3i1a4>
- Petersmann, E.-U. (2022). Judicial Overreach? Constitutional Justice Requires Multilevel Judicial Comity. In *Transforming World Trade and Investment Law for Sustainable Development* (pp. 269–295). Oxford University PressOxford. <https://doi.org/10.1093/oso/9780192858023.003.0009>
- Pierre, E. A. St. (2024). A primer for post qualitative inquiry. In *Qualitative Research in Psychology* (Vol. 22, Issue 3, pp. 571–595). Informa UK Limited. <https://doi.org/10.1080/14780887.2024.2347579>
- Póczya, K., Csapodi, M., Dobos, G., & Gyulai, A. (2024). Constitutional review and judicial-legislative relations in established democracies. In *Constitutional Review in Western Europe* (pp. 1–25). Routledge. <https://doi.org/10.4324/9781003399490-1>
- Potthoff, S., Hempeler, C., & Scholten, M. (2023). Research Ethics in Qualitative Health Research. In *International Journal of Qualitative Methods* (Vol. 22). SAGE Publications. <https://doi.org/10.1177/16094069231189335>
- Prasetyo, D. I. (2024). The Political Shift in Legal Power of the Judiciary Post Constitutional Amendment. In *Jurnal Hukum* (Vol. 40, Issue 1, p. 244). Program Doktor Ilmu Hukum Unissula. <https://doi.org/10.26532/jh.v40i1.39547>
- Saragih, G. M., Nasution, M., & Sihombing, E. N. A. M. (2025). Judicial Review Oleh Mahkamah Konstitusi: Judicial Activism vs. Judicial Restraint dalam Perspektif Kebebasan Kehakiman. In *Jurnal Konstitusi* (Vol. 22, Issue 1, pp. 39–65). Constitutional Court of the Republic of Indonesia. <https://doi.org/10.31078/jk2213>
- Sarma, R. (2025). Judicial Powerplay: Independence of Judiciary under the Shadow of Illiberalism. In *SSRN Electronic Journal*. Elsevier BV. <https://doi.org/10.2139/ssrn.5132905>
- Schwartz, A., & Lee, H. P. (2024). Judicial Independence. In *The Oxford Handbook of Constitutional Law in Asia*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780198825463.013.32>
- Smith, B. C. (2022). Judicial bias. In *Judges and Democratization* (pp. 84–107). Routledge. <https://doi.org/10.4324/9781003334613-5>
- Summers, S. J. (2022). Judicial Imposition of Punishment. In *Sentencing and Human Rights* (pp. 195–226). Oxford University PressOxford. <https://doi.org/10.1093/oso/9780192870384.003.0005>
- Taherdoost, H. (2025a). Data Collection Techniques in Qualitative Research. In *Navigating Qualitative Research* (pp. 1–36). Routledge. <https://doi.org/10.4324/9781003616412-1>
- Taherdoost, H. (2025b). Data Collection Techniques in Qualitative Research. In *Navigating Qualitative Research* (pp. 150–163). Routledge. <https://doi.org/10.4324/9781003616412-9>
- Thompson, W. E., & Thompson, M. L. (2022). Designing and Conducting Qualitative Research. In *Pulling Back the Curtain on Qualitative Research* (pp. 1–17). Routledge. <https://doi.org/10.4324/9781003320760-1>
- Vatamaniuk, A. (2025). Constitutional judicial dialogue: international standards and judicial practice. In *Constitutional Legal Academic Studies* (Issue 1, pp. 50–58). Uzhhorod National University. <https://doi.org/10.24144/2663-5399.2025.1.07>
- Zhang, T., & Okazawa, R. (2022). Managing neutrality, rapport, and antiracism in qualitative interviews. In *Qualitative Research* (Vol. 23, Issue 6, pp. 1689–1713). SAGE Publications. <https://doi.org/10.1177/1468794122111018>