

The Constitutional Court's Position as the Guardian of the Constitution: Between Independence and Political Intervention

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Abstrak: This study discusses the position of the Constitutional Court (MK) as the guardian of the constitution in facing the dilemma between independence and political intervention. Using the Systematic Literature Review (SLR) approach by searching 915 articles, this study succeeded in identifying 50 relevant articles which were then analyzed thematically. The results of the study show that the independence of the Constitutional Court is still vulnerable to political pressure, both through the mechanism of appointment of judges, revisions of the Constitutional Court Law, and the practice of non-procedural dismissal. This phenomenon is in line with the global pattern of democratic backsliding that has also occurred in other countries such as Hungary, Turkey, and Poland, where the constitutional judiciary is weakened through court-packing strategies and legislative control. The main findings of the study confirm that controversial decisions, such as Decision No. 90/PUU-XXI/2023, have a direct impact on the legitimacy of the Constitutional Court in the eyes of the public and cause debates regarding ethics and conflicts of interest. The recommendations offered include reforming the merit-based selection mechanism of judges, protecting the term of office from political interference, and strengthening external oversight based on public participation. Thus, this study emphasizes the importance of adaptive and transparent institutional design so that the Constitutional Court is able to carry out its optimal role as the guardian of the constitution in maintaining the rule of law and democratic integrity in Indonesia.

Keywords : Constitutional Court; Judicial Independence; Political Intervention; Judicial Capture; Democratic Backsliding.

INTRODUCTION

The Constitutional Court (MK) was established as the guardian of the purity of the constitution and the equalizer of the branches of state power through the authority to test laws, resolve authority disputes, dissolve political parties, dispute over election results, and other authorities granted by the 1945 Constitution. In Indonesia's constitutional architecture, the Constitutional Court is positioned as *the guardian of the constitution* which is required to be not only normatively independent (*de jure*) but also sovereign in practice (*de facto*) in order to be able to maintain the supremacy of the constitution and the constitutional rights of citizens¹. The

significance of the study on "independence versus political intervention" is strengthened due to the increasing intensity of "megapolitical" cases and the dynamics of institutional reform that have the potential to affect the distance of the Constitutional Court from political actors. Recent research shows that excessive inter-branch influence on the constitutional court risks turning the logic of *checks and balances* into *political steering*, especially when legal design opens up space for *external leverage*². Empirically, data shows

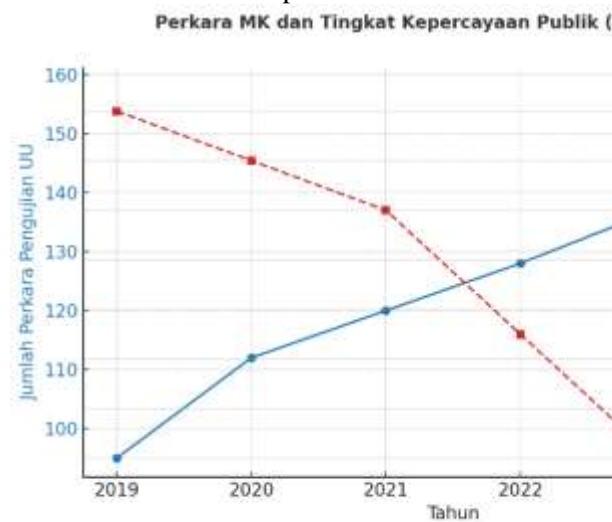
facto safeguards. *Constitutional Review*, 10(1), 1–20. <https://doi.org/10.31078/consrev1017>

² Wicaksono, A., & Rahman, F. (2022). Between influencing and intervention: The Constitutional Court's position toward the Supreme Court in Indonesia's constitutional system. *Constitutional*

¹ Awawda, A. (2024). Judicial independence and constitutional courts: Evaluating the *de jure* and *de*

that cases in the Constitutional Court are increasingly complex. Based on the 2023 *Constitutional Court Annual Report*, there are 137 incoming law testing cases, with a significant upward trend from year to year. In 2024, the Constitutional Court will even decide 158 cases to test the law, the highest number in the institution's history³. On the other hand, the level of public trust fluctuates. The *Indonesian Political Indicators Survey* (2023) recorded a decline in trust of around 58%, but after the 2024 Presidential Election dispute trial, public trust in the Constitutional Court increased again to 73%. This phenomenon shows a contradiction: the burden of the case increases, but public legitimacy is weakened before it recovers.

Figure 1 illustrates the trend in the number of law testing cases in the Constitutional Court and the level of public trust in the 2019–2024 period.



Sumber: Laporan Tahunan Mahkamah Konstitusi (2019–2023); ANTARA (2025); HI

Figure 1. Number of Law Testing Cases and the Level of Public Trust in the Constitutional Court (2019–2024)

Source: Constitutional Court Annual Report (2019–2023); LSI (2024); ANTARA (2024, 2025); Hukumonline (2025).

The Constitutional Court Decision No. 90/PUU-XXI/2023 regarding the age requirements for presidential candidates/vice presidents has caused a wide polemic, not only because of its electoral consequences, but also because of public perception of *conflicts of interest* and ethical limits of constitutional judges⁴. Academic studies linked the decision to the issue of violations of the code of ethics decided by the Constitutional Court Honorary Assembly (MKMK) in November 2023, which further thickened the allegations of "abusive judicial review"⁵.

In addition, the literature also shows that the relationship between the Constitutional Court and the Supreme Court is often in the gray area due to the potential for overlapping authority, thus giving rise to the perception of inter-judicial intervention⁶. Changes and discourse on the revision of the Constitutional Court Law in recent years have also sparked a classic debate between independence and accountability. The potential for *political entrenchment* arises when the design of legislation actually adds a point of control for political actors over the sustainability of judges' terms and ethical supervision mechanisms⁷.

Theoretically, constitutionalism emphasizes that state power must be limited by the highest law, namely the constitution,

⁴ Furqon, A., Sudaryanto, A., & Ningsih, D. (2024). Ethical dilemmas in constitutional adjudication: A philosophical analysis of the Constitutional Court Decision No. 90/PUU-XXI/2023. *IBLAM Law Review*, 4(1), 45–62. <https://doi.org/10.52249/ilr.v4i1.296>

⁵ Thesia, F., & Worspakrik, E. (2024). Ethical violations and judicial independence: A study of Indonesia's Constitutional Court. *International Journal of Multicultural and Multireligious Understanding*, 11(7), 345–360. <https://doi.org/10.18415/ijmmu.v11i7.6015>

⁶ Butt, S. (2023). Constitutional court accountability and judicial independence in Indonesia. *Constitutional Review*, 9(2), 223–245. <https://doi.org/10.31078/consrev922>

⁷ Awawda, A. (2024). Judicial independence and constitutional courts: Evaluating the de jure and de facto safeguards. *Constitutional Review*, 10(1), 1–20. <https://doi.org/10.31078/consrev1017>

while the *rule of law* ensures that every government action is subject to the principles of justice and legal certainty⁸. Within this framework, the Constitutional Court functions as an authoritative interpreter that guarantees that political practices do not deviate from the constitution. Modern theories about *the rule of law* even affirm the importance of judicial accountability to maintain the integrity of democracy⁹.

In line with that, the concept of *judicial independence* was born from the need for judges to be able to make decisions without political, economic, or social pressure¹⁰. However, recent developments highlight the phenomenon of *judicial capture*, which is a condition when political or economic forces control the judiciary through appointment mechanisms, tenure, and ethical control¹¹. In Indonesia, the debate on *independence* versus *capture* is increasingly relevant after electoral nuanced decisions that have caused public criticism. The position of the Constitutional Court in the 1945 Constitution is expressly regulated in Article 24C, which gives the authority to test laws, decide authority disputes, and guard the constitutional rights of citizens. However, further provisions in Law No. 24 of 2003 jo. Law No. 7 of 2020 still cause polemics, especially because the mechanism for appointing judges and ethical supervision provides a large space for political institutions to influence the independence of

the Constitutional Court¹². National studies show that the independence of the Constitutional Court tends to be stronger in the normative realm than in practice. For example, assessed that there is an unclear limit on the limits of the Constitutional Court's influence on the Supreme Court, while Furqon et al. (2024) emphasized ethical problems in the 90/PUU-XXI/2023 decision. highlight the fragility of the ethics mechanism after the MKMK decision, while emphasizes the importance of accountability as a balancing element of independence. At the international level, explains the relevant pattern of *judicial capture* in Latin America as a comparison for the Indonesian context.

Although the literature has discussed the Constitutional Court a lot, there are important weaknesses that leave research gaps. First, previous research tends to only emphasize normative and partial aspects, without comprehensively integrating personal, institutional, and procedural dimensions. Second, the study of *judicial capture* in Indonesia is still limited to case analysis without being associated with the institutional design of the Constitutional Court as a whole. Third, the national literature discusses controversial decisions more separately, without associating them with the dynamics of the revision of the Constitutional Court Law and the ethical. Fourth, international studies do provide a comparative perspective, but not many have empirically tested Indonesia's context based on global standards of judicial independence¹³. Based on this background, this research is directed to answer the following questions: (1) What is the position of the Constitutional Court as the guardian of the

⁸ Mulyadi, M. (2021). constitutionalism and rule of law in the Indonesian constitutional system. *Ius Quia Iustum Journal of Law*, 28(1), 1–20. <https://doi.org/10.20885/iustum.vol28.iss1.art1>

⁹ Ginsburg, T. (2020). The rule of law and the quest for judicial independence. *Annual Review of Law and Social Science*, 16, 1–20. <https://doi.org/10.1146/annurev-lawsocsci-051120-113233>

¹⁰ Ferejohn, J., & Kramer, L. (2020). Independent judges, dependent judiciary: Conceptualizing judicial independence. *International Journal of Constitutional Law*, 18(4), 1250–1275. <https://doi.org/10.1093/icon/moaa063>

¹¹ González-Ocantos, E. (2021). The politics of judicial capture in Latin America. *Journal of Democracy*, 32(2), 47–61. <https://doi.org/10.1353/jod.2021.0024>

¹² Wicaksono, A., & Rahman, F. (2022). Between influencing and intervention: The Constitutional Court's position toward the Supreme Court in Indonesia's constitutional system. *Constitutional Review*, 8(2), 155–176. <https://doi.org/10.31078/consrev823>

¹³ Ginsburg, T. (2020). The rule of law and the quest for judicial independence. *Annual Review of Law and Social Science*, 16, 1–20. <https://doi.org/10.1146/annurev-lawsocsci-051120-113233>

constitution in the face of political intervention? (2) To what extent does the mechanism for appointing judges and ethical supervision affect the independence of the Constitutional Court? (3) What are the implications of controversial rulings on the legitimacy of the Constitutional Court in the constitutional system? (4) How can institutional design be strengthened to be in line with the principle of judicial independence?

The following table 1 summarizes the analytical elements that clarify the position of this research, ranging from problem formulation, relevance to the SDGs, *state of the art*, to practical contributions.

Aspects	Information	Source
Total PUU Cases (2024)	158 law testing rulings the highest record in the history of the Constitutional Court	ANTARA (2025); Legalonline (2025)
Public Trust (2024)	The level of public trust increased to 73% after the presidential election dispute trial	LSI (2024); BETWEEN (2024)
Total PUU Cases (2023)	137 points of legal testing	Constitutional Court Annual Report (2023)
Public Trust (2023)	The level of public trust is estimated to be around 58%–63%, as a benchmark point for previous trends	Indonesian Political Indicators Survey (2023)
Problem Formulation	1) How is the position of the Constitutional Court as the guarantor of the constitution in the face of	Compiled by the author based on the research context

	political intervention?2) To what extent do the appointment and ethics mechanisms affect the independence of the Constitutional Court?3) What is the effect of controversial decisions on the legitimacy of the Constitutional Court?4) How can the institutional design be improved in accordance with the principles of independence and accountability?	
Linkage with the SDGs	Relevant to SDGs Point 16: Peace, Justice, and Strong Institutions, supporting transparent, accountable, and independent judicial governance	United Nations (2015) SDGs Agenda Global
State of the Art	Previous studies have been normative and partial. This article offers an integrative approach that combines personal, institutional, procedural, and	Awawda (2024); Wicaksono & Rahman (2022); Butt (2023)

	the phenomenon of <i>judicial capture</i> after a controversial verdict	
Practical Contribution	Provide recommendations for the institutional design of the Constitutional Court, such as the mechanism for appointing judges, term of office, and <i>ethics safeguards</i> , to support judicial reform	Based on the findings of the literature review and the real context of the research

Table 1. Research Analytics Summary: Problem Formulation, SDGs, State of the Art, and Practical Contributions

METODOLOGI

This study applies the Systematic Literature Review (SLR) approach as the main method, because it is considered to be able to produce comprehensive, systematic, and transparent literature mapping of the issues studied. The literature search process is carried out through the scientific search engine Consensus, which has a coverage of more than 170 million academic articles across disciplines. From the initial search, 915 articles related to the topic of judicial independence and political intervention in the Constitutional Court were obtained. The articles were then selected strictly based on three main criteria, namely the suitability of the theme with the focus of the research, the level of relevance to the issues raised, and the academic contributions offered, both in the form of theoretical development, case study results, institutional criticism, and international comparative analysis.

The results of the selection produced 50 articles that were considered the most relevant and worthy of being the focus of the study. The selected articles were further categorized into eight major themes, which

were then broken down into 20 more focused topics. These topics include conceptual dimensions, empirical analysis, institutional criticism, and comparisons of international practices, thus providing a more in-depth scope of analysis. To maintain transparency and accountability in the selection process, all stages from identification, screening, to literature inclusion are presented in the form of a PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) diagram. This diagram clearly illustrates the flow of the research, from the number of initial articles found to the final number of articles analyzed (see Figure 1).

HASIL DAN PEMBAHASAN

Political Intervention: The Case of Indonesia and International Comparisons

The phenomenon of political intervention against the Constitutional Court (MK) has become a serious issue in various countries. In the Indonesian context, the practice of non-procedural dismissal of judges, such as the case of the dismissal of Judge Aswanto, shows the weak constitutional guarantee of judicial independence¹⁴. A similar pattern can also be found in Hungary and Poland, where *court-packing* strategies are used to change the number of judges, manipulate the selection process, and suppress the court's role in overseeing the government. Szente's study (2021) noted that Hungary's previously independent Constitutional Court was significantly weakened after government intervention, thus accommodating executive policies rather than maintaining legal neutrality.

Meanwhile, research by Garoupa and Spruk (2024) shows that in Turkey, constitutional reforms since 2010 have reduced the independence of the judiciary, as evidenced by the *synthetic control* method of comparative data. In contrast, countries with stronger constitutional designs, such as the

¹⁴ Sumodiningrat, R., & Rahma, I. (2023). Political intervention and judicial independence in Indonesia's Constitutional Court: A case study of Aswanto's dismissal. *Constitutional Review*, 9(1), 101–123. <https://doi.org/10.31078/consrev911>

Czech Republic and Austria, have been successful in preventing *court-packing practices* and maintaining the neutrality of judges through a system of selection and tightly protected terms¹⁵. These findings confirm that the power of institutional design has an important role in protecting the independence of the constitutional judiciary from political intervention.

Implications of Political Intervention on Democracy and Constitutional Supremacy

Political intervention against the Constitutional Court has serious implications for democracy and constitutional supremacy. First, the practice of non-procedural dismissal and intervention in the selection of judges reduces the legitimacy and independence of constitutional institutions. Second, the level of implementation of the Constitutional Court's decision is very low. Research by Hariri and Arifin (2024) found that many strategic decisions of the Constitutional Court are only *self-implementing*, requiring follow-up by the House of Representatives, but only about 35% of decisions are actually fully implemented.

This low compliance erodes the authority of the Constitutional Court as the guardian of the constitution. Third, the political pressure experienced by the Constitutional Court creates legal uncertainty, especially in cases that are directly related to executive and legislative interests. In turn, this condition accelerates the process of democratic regression, as seen in Indonesia, Hungary, and Turkey, which is characterized by a decrease in public trust in the judiciary¹⁶.

Efforts to Strengthen Independence and Accountability

The literature offers various recommendations to strengthen the

independence and accountability of the Constitutional Court. First, the judge selection process needs to be reformed through a transparent, merit-based mechanism and open up space for public participation, so that it is no longer dominated by political interests¹⁷. Second, the protection of the term of office of judges must be strengthened so that it is not easily influenced by legislative and executive interventions. Third, external oversight mechanisms involving civil society need to be expanded to ensure the accountability of the Constitutional Court without undermining its independence¹⁸. Fourth, public legal literacy must be improved so that the public can better understand the function and importance of the Constitutional Court in maintaining democracy, as well as increasing social support for the independence of the constitutional judiciary (BPMMP UMA, 2025). These recommendations are in line with global trends, where countries with strong public oversight mechanisms are proving more resilient to political intervention.

Table 1. Findings of Comparative Research on Political Intervention

Theme	Key Findings	Source
Intervention & Court-Packing	Politics affect the structure and procedures of the Constitutional Court (Indonesia, Hungary, Turkey)	Rishan (2022); Szente (2021); Garoupa & Spruk (2024)
Selection of Judges	Political dominance over merit,	Soedirjo & Santiago (2023)

¹⁵ Rishan, D. (2022). Safeguarding judicial independence in Central Europe: Lessons from Austria and the Czech Republic. *European Constitutional Law Review*, 18(3), 521–543. <https://doi.org/10.1017/S157401962200027X>

¹⁶ Reuters. (2024, March 15). Poland's constitutional crisis deepens as government faces EU pressure. Reuters. <https://www.reuters.com/world/europe/poland-constitutional-crisis-2024-03-15>

¹⁷ Soedirjo, A., & Santiago, F. (2023). Merit-based judicial appointments and the challenge of political dominance in constitutional courts. *Asian Journal of Comparative Law*, 18(2), 312–334. <https://doi.org/10.1017/asjcl.2023.12>

¹⁸ Walangitan, S. (2024). Political pressures and constitutional justice: Reassessing accountability in Indonesia's Constitutional Court. *Indonesian Journal of Law and Society*, 5(2), 201–220. <https://doi.org/10.19184/ijls.v5i2.3921>

	reduces institutional integrity	
Non-Procedural Substitution	Dismissal of judges without official procedures = regression of democracy	Sumodiningrat & Rahma (2023)
Political Pressure on Verdict	Forced opinions, suppressing the independence of the Constitutional Court	Walangitan (2024); The Australian (2025)
Implementation of the Decision	Many decisions are not followed up, only 35% are realized	Hariri & Arifin (2024)
Amendments to the Constitutional Court Law	Revision of the law increases the potential for political intervention	Reuters (2024)
Legislative Politics vs Constitutional Court	The House of Representatives weakens the Constitutional Court's position on election issues	Compass (2025)

The findings in Table 1 show that political intervention against the Constitutional Court occurs through various mechanisms, ranging from *court-packing*, political dominance in the selection of judges, to low implementation of decisions. This picture is not only experienced by Indonesia, but also has become a common pattern in a number of other countries that have experienced democratic regression.

Based on these findings, it is important to further understand how political

intervention has a direct impact on democracy and the rule of law, as well as the strategies recommended in the literature to strengthen the independence of the Constitutional Court. A summary of the implications and strengthening efforts can be seen in Table 2.

Table 2. Implications of Political Intervention and Efforts to Strengthen the Constitutional Court

Aspects	Impacts/Implications	Strengthening Recommendations	Source
Independence of Judges	The legitimacy of the Constitutional Court declined due to non-procedural dismissals	Merit-based, transparent, jury selection with public participation	Sumodiningrat & Rahma (2023); Soedirjo & Santiajo (2023)
Implementation of the Decision	Only ±35% of the Constitutional Court's decisions were implemented, weakening the supremacy of the constitution	Strengthening the follow-up mechanism in the House of Representatives and the government	Hariri & Arifin (2024)
Public Trust	There has been an erosion of public trust in the Constitutional Court	Improving community legal literacy and civil supervision	Walangitan (2024); BPMPUMA (2025)
Rule of Law	Legal uncertainty and democratic regression	Protection of judges' terms from political interference	Szente (2021); Grouper & Spruk (2024)
Account	Potential	External	Rishan

ability	abuse of power by judges if there is no control	oversight by civil society & independent ethics board	(2022); Reuters (2024)
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Discussion

The position of the Constitutional Court (MK) as *the guardian of the constitution* essentially requires a balance between judicial independence and public accountability. However, the results of the study show that this balance is often disturbed due to systematic political intervention. In Indonesia, the practice of non-procedural dismissal of judges, such as the dismissal of Judge Aswanto, shows the weak constitutional guarantee of the independence of the judiciary¹⁹. This shows that the *de jure* independence regulated in the 1945 Constitution is not always in harmony with the *de facto* conditions on the ground.

Similar phenomena have also emerged in the international context. In Hungary, for example, the *government's court-packing* practices through changes in the number of judges and selection procedures have eroded the independence of the Constitutional Court, making it more accommodating to executive policies²⁰. In Turkey, the constitutional reforms of 2010 caused the judiciary to be increasingly subordinate to the government, as evidenced by the synthetic *control* analysis of comparative data²¹. These cases confirm that political intervention against the judiciary is not only an Indonesian problem, but also part

of a global trend of weakening democracy through legal mechanisms.

Political intervention has serious implications for the legitimacy and authority of the Constitutional Court. The low level of implementation of the Constitutional Court's decision in Indonesia, which is only around 35%, shows the weak respect of the executive and legislative institutions for the supremacy of the constitution²². This worsens public perception of the effectiveness of the Constitutional Court, especially when controversial decisions such as Decision No. 90/PUU-XXI/2023 appear regarding the age requirements for presidential candidates. This decision has raised criticism about potential ethical violations by constitutional judges, thereby strengthening public perception of conflicts of interest. This condition is in line with the findings of an ethics study that highlights the fragility of the supervisory mechanism of constitutional judges in preventing *abusive judicial review* practices. When viewed from the perspective of *the rule of law*, excessive political intervention against the Constitutional Court has the potential to undermine the basic principle of constitutionalism, namely the limitation of state power by the highest law²³. This situation creates legal uncertainty, especially in strategic political matters, which in turn can accelerate the process of democratic regression. This is not only happening in Indonesia, but also in countries such as Poland, which is experiencing a legal crisis due to the government's dominance of its constitutional judiciary. Despite facing challenges, various literature suggests strategies to strengthen the Constitutional Court's institutions. First, reforming the judge selection mechanism through a system that is transparent, merit-based, and involves public

¹⁹ Sumodiningrat, R., & Rahma, I. (2023). Political intervention and judicial independence in Indonesia's Constitutional Court: A case study of Aswanto's dismissal. *Constitutional Review*, 9(1), 101–123. <https://doi.org/10.31078/consrev911>

²⁰ Szente, Z. (2021). The decline of constitutional adjudication in Hungary: From activism to abdication. *German Law Journal*, 22(7), 1229–1248. <https://doi.org/10.1017/glj.2021.67>

²¹ Garoupa, N., & Spruk, R. (2024). Constitutional reforms and judicial independence: Evidence from Turkey. *European Journal of Political Economy*, 82, 102497. <https://doi.org/10.1016/j.ejpoleco.2023.102497>

²² Hariri, H., & Arifin, Z. (2024). Implementation of the Constitutional Court's decision: Between the effectiveness and supremacy of the constitution. *Constitutional Journal*, 21(1), 77–95. <https://doi.org/10.31078/jk2115>

²³ Mulyadi, M. (2021). constitutionalism and rule of law in the Indonesian constitutional system. *Ius Quia Iustum Journal of Law*, 28(1), 1–20. <https://doi.org/10.20885/iustum.vol28.iss1.art1>

participation is considered to be able to reduce the dominance of political interests. Second, the protection of the term of office of judges needs to be strengthened so that it cannot be disturbed by legislative and executive intervention. Third, the expansion of external supervision through civil society participation mechanisms is believed to increase the accountability of the Constitutional Court without undermining its. Fourth, public legal literacy must be expanded, because public understanding of the role of the Constitutional Court can strengthen social support for judicial independence²⁴. Global issues also show a similar pattern that can be a lesson for Indonesia. The concept of *judicial capture* in Latin America explains how the judiciary can be controlled by political forces through judicial appointment mechanisms and ethical oversight. Other studies affirm the importance of truly independent judges, free from political and economic pressure, as a key pillar for maintaining the integrity of democracy²⁵. In the context of Western Europe, countries such as Austria and the Czech Republic have managed to avoid the practice of intervention by implementing strict judicial selection systems as well as constitutional protection of their terms of office.

From a geopolitical perspective, the issue of judicial independence is even associated with the global trend of *democratic backsliding*, which is the decline of democracy that occurs in various countries through legal instruments. Research shows that a weak judiciary against political pressure will accelerate the delegitimization of democracy, while a strong judiciary can be the last bastion against authoritarianism. Thus, the issue of the independence of the Constitutional Court in Indonesia must be understood not only as a domestic problem, but also as part of a global

dynamic that demands that the constitutional judiciary be stronger, more adaptive, and more resistant to political intervention.

Overall, this discussion shows that the dilemma between independence and political intervention is a universal problem, not only in Indonesia. Therefore, the solutions offered must go beyond mere revision of laws, including institutional reforms, social capacity building, and the adoption of best practices from other countries. Only in this way can the Constitutional Court truly function as a constitutional guardian that consistently maintains democracy and the rule of law.

KESIMPULAN

This research shows that the Constitutional Court (MK) retains a strategic position as the guardian of the constitution, but its independence is often threatened by political intervention. The first objective of the study, which is to assess the position of the Constitutional Court in the face of political intervention, shows that the practice of non-procedural dismissal, political dominance in the selection of judges, and the revision of the Constitutional Court Law reduce the distance of this institution from the influence of political actors. The second objective, which is to examine the extent to which the mechanism of appointment of judges and ethical supervision affects the independence of the Constitutional Court, reveals that the current institutional design still leaves a large space for legislators and the executive to influence the direction of decisions.

The third goal, regarding the implications of controversial decisions on the legitimacy of the Constitutional Court, can be seen from the case of Decision No. 90/PUU-XXI/2023 which raises allegations of conflict of interest and worsens public perception of the ethics of constitutional judges. However, the survey results show that public trust can increase again when the Constitutional Court handles election disputes transparently, indicating that the legitimacy of this institution is greatly influenced by the quality of its decisions. The fourth objective, which is to provide institutional design recommendations, is answered through proposals to improve the merit-based judge selection mechanism and

²⁴ BPMMP UMA. (2025). Community legal literacy as a pillar for strengthening judicial independence. Medan: University of Medan Area.

²⁵ Ferejohn, J., & Kramer, L. (2020). Independent judges, dependent judiciary: Conceptualizing judicial independence. *International Journal of Constitutional Law*, 18(4), 1250–1275. <https://doi.org/10.1093/icon/moaa063>

public participation, stronger term protection, and external oversight involving civil society to balance independence and accountability.

Thus, this study emphasizes that the Constitutional Court can only carry out its role optimally as the guardian of the constitution if it is supported by an institutional design that is transparent, adaptive, and resistant to political intervention. These efforts are not only relevant to strengthen the integrity of Indonesian democracy, but also important so that the Constitutional Court is able to maintain the supremacy of the constitution in the face of domestic political dynamics and the challenges of global democratic backsliding.

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