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Political Dynamics and Their Implications For the Constitutional Court

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Abstract: The Constitutional Court of the Republic of Indonesia (MKRI) is a legal institution tasked with maintaining the applicability of the constitution and ensuring that the principles of the rule of law run well in the Indonesian government system. Since its establishment in 2003, the MKRI has become an important venue where legal and political issues often collide, especially in handling cases with major political impact, such as disputes over election results, challenges to laws and regulations, and the dissolution of political parties. The intensification of political dynamics poses a major challenge to the independence and credibility of the MKRI, especially amid political polarization and authorities' interference with legal institutions. This article analyzes in depth how changes in national politics affect the Constitutional Court's duties and functions. By using a legal approach grounded in norms and supported by a conceptual analysis of several MKRI decisions with political nuances, this study seeks to explain various forms of political influence on the MKRI's decision-making process. In addition, this article discusses strategic steps to strengthen the MKRI's independence amid intensifying political pressure. The results of the study show that political dynamics significantly affect the MKRI's performance and reputation. The MKRI's involvement in resolving political conflicts often puts him in a difficult position, namely between maintaining neutrality and meeting people's expectations of real justice. Therefore, continuous improvement is needed in the mechanism for recruiting judges, increased transparency in decisions, and strengthened public supervision of the constitutional judiciary's honesty.

Keywords: Constitutional Court, political dynamics, constitutional law.

INTRODUCTION

In the constitutional law system in Indonesia, the relationship between law and politics is dynamic and interdependent. Politics is often a determinant in the formation of laws, while law functions as an instrument to limit political power so as not to deviate from constitutional principles. The complexity of the relationship between law and politics is most evident in the role of the Constitutional Court of the Republic of Indonesia (MKRI), an institution formed based on the results of the third amendment to the 1945 Constitution of the Republic of Indonesia (1945 Constitution) as the *guardian of the constitution* as well as *the final interpreter* of the basic norms of the state or the 1945 Constitution.

The Constitutional Court's presence since 2003 marks a new era in the enforcement of constitutionalism in Indonesia. This institution has several powers as stipulated in Article 24C of the 1945 Constitution, namely: (1) examining the law against the 1945 Constitution, (2) deciding disputes over the authority of state institutions, (3) deciding the dissolution of political parties, (4) deciding disputes over the results of general elections, and (5) deciding the opinion of the House of Representatives regarding alleged violations of the law by the president or vice president (impeachment). With the broad, politically impactful authority it possesses, the Constitutional Court is often in a strategic position to determine the direction of Indonesia's constitutional democracy. (Jimly Asshidiqie, 2022).

However, the political reality in Indonesia shows that the dynamics of political power often shape how the law is implemented and interpreted. The Constitutional Court is not spared from this phenomenon. Several important decisions, such as the dispute over the results of the 2019 and 2024 Presidential and Vice Presidential elections, as well as the material test of the Government Regulation rather than the Law on Job Creation, show how political considerations and social pressure can direct the constitutional law enforcement process. (Sulistiyowati, Maharani, Maharaja, & Manoppo, 2024a). In this case, the Constitutional Court is not in a political vacuum; every decision is the result of a dialectic between legal norms and the dominant political forces. (Sulistiyowati, Maharani, Maharaja, & Manoppo, 2024a).

This tendency raises fundamental questions about the extent to which the Constitutional Court's independence can survive amid so many political interventions. This challenge is further complex when the pragmatism of power, patronage, and conflicts of interest between state institutions colors the practice of electoral democracy. In this context, the legitimacy of the Constitutional Court as the vanguard of constitutional supremacy is often tested through public trust in the integrity and neutrality of constitutional judges.

In addition, changes in the post-reform political landscape have affected the Constitutional Court's institutional design. The transition of political coalitions in parliament and the executive can affect the selection process for constitutional judges conducted by three institutions: the President, the House of Representatives, and the Supreme Court. This mechanism is intended to ensure a balance of power, but in practice, it opens opportunities for political intervention and recruitment. (Bagir Manan, 2023).

Departing from this situation, this article seeks to analyze the impact of political dynamics on the Constitutional Court's role and independence. The main question that needs to be answered is how changes in the national political constellation affect the Constitutional Court's decision-making patterns. And to what extent this institution can maintain its neutrality as an institution or a judicial institution. Through normative studies and analysis of several key decisions, this article seeks to uncover the dialectical relationship between political power and constitutional law, while offering strategic steps to strengthen the Constitutional Court's position within Indonesia's constitutional system.

METHOD

This research adopts a juridical-normative approach, a legal research method that focuses on positive legal norms and constitutional principles that apply within the Indonesian government system. This approach was chosen because the issues discussed concerned the Constitutional Court's position, authority, and independence amid ongoing national political changes. Using a juridical-normative approach, the study analyzes the main legal sources, supporters, and exponents to examine the influence of politics on the implementation of constitutional judicial functions. (Peter Mahmud Marzuki, 2022).

The sources and types of legal materials used in this study include primary legal materials, such as laws and regulations directly related to the Constitutional Court's authority, as well as several Constitutional Court decisions with significant political implications. This

research also uses secondary legal materials, namely academic literature, such as legal scientific journal articles, relevant to the relationship between politics and constitutional law.

This research employs both a conceptual and a legislative approach. A conceptual approach is used to examine the relationships among political power, judicial independence, and political dynamics in modern constitutional legal theory. The legislative approach examines the constitutional legal norms that underpin the Constitutional Court's duties and functions as the vanguard of constitutional guardians.

Thus, this research method seeks to explain how the interaction between law and politics affects the Constitutional Court's working mechanism, both normatively and in the practice of exercising judicial power.

RESULTS AND DISCUSSION

Political Dynamics and the Indonesian Constitutional System

Since the end of the New Order regime in 1998, Indonesia has entered a phase of democratic transition marked by fundamental changes in the constitutional structure. The constitutional reforms of 1999–2002 resulted in a more balanced redistribution of power between the executive, legislative, and judicial institutions. In this transformation, it can be seen that political intervention actions against legal institutions, including the Constitutional Court (MK), are not eliminated. (Jimly Asshiddiqie, 2023).

In the context of electoral democracy, politics in Indonesia remains heavily influenced by the interests of parties and party coalitions, as well as by power. Politicization of state institutions often occurs, especially before and after elections. This has an impact on the increasing number of political cases that reach the Constitutional Court, especially disputes over election results and material tests of laws with high political consequences. (Refly Harun, 2021)

Changes in the national political constellation have a direct impact on the Constitutional Court's decision-making, as this institution is often invoked as a source of legitimacy for controversial political outcomes. Therefore, political dynamics are not only a social background for the Constitutional Court, but also affect the way decisions are made in it.

The Constitutional Court as a Guardian of the Constitution in the Midst of Political Pressure

The Constitutional Court is ideally designed as an independent institution, unshaken by political pressure or power intervention. But in practice, such independence is often tested by political reality. Several prominent cases show how political factors directly influence the Constitutional Court's decisions.

One of them is the Constitutional Court Decision Number 90/PUU-XXI/2023, which changes the age requirements for presidential and vice presidential candidates. The verdict sparked debate in the community's public space because it was seen as carrying strong political nuance. (*Putusan Nomor 90/PUU-XXI/2023*, 2023). The public criticized this ruling as reflecting concerns that the Constitutional Court was not completely free from the influence of executive power and certain political interests.

This phenomenon aligns with Bagir Manan's view, as stated in his writings: "the constitutional judiciary is always in tension between law and politics, independence can only be maintained if judges have high moral integrity and professionalism." (Bagir Manan, 2023). Therefore, strengthening ethics, integrity, professionalism, and transparency is key to the Constitutional Court's credibility as the vanguard of constitutional guardians.

In the Constitutional Court Decision Number 90/PUU-XXI/2023 which materially examined Article 169 letter q of Law Number 7 of 2007 concerning General Elections, the Constitutional Court made changes to the regulation, the amended provision is that there is an

addition of alternative conditions for individuals who have been or are currently occupying positions obtained from general elections, previously the article only regulates the minimum age requirements to nominate president and vice president. The president is at least 40 years old. In other words, if a person who is not yet 40 years old but has or is currently occupying office from the results of the general election, then that person can qualify in accordance with this amended regulation.

Law Number 7 of 2007 concerning General Elections is the result of a legislative process involving collaboration between the House of Representatives and the Indonesian government. This process of enacting laws reflects the democratic process in Indonesia, where important laws and regulations are enacted through deliberation and agreement between the legislature and the executive. (Christine S.T Kansil & Putri Meilika Nadilatasya, n.d.).

The Constitutional Court Decision No. 90/PUU-XXI/2023 has a significant impact on the Constitutional Court's reputation and on the legal order in Indonesia. The decision not only affects the electoral process but also underscores the Constitutional Court's role in upholding justice and constitutional compliance. (Christine S.T Kansil & Putri Meilika Nadilatasya, n.d.).

As a constitutional judicial institution, the Constitutional Court is tasked with ensuring that all parties comply with the country's constitution and maintain the principles of constitutional law. The Constitutional Court's job is to safeguard the constitution, which means it has the authority to test whether government laws and regulations comply with it. In addition, the Constitutional Court is authorized to provide explanations of constitutional provisions, and these explanations apply to all government agencies and society. (Paradita & Triadi, 2024).

The Constitutional Court's position as an independent judicial institution is crucial for maintaining the balance of political power within Indonesia's constitutional legal system. The independence of the Constitutional Court guarantees that the institution can act freely and without political interference that could affect the outcome of its decisions. The Constitutional Court's decision must be based on the law and the available evidence, and take into account the principles of justice and legal certainty.

The Constitutional Court's decision is based on fundamental principles that guide its duties as a constitutional judicial institution. These principles ensure legal certainty, fairness, and consistency in the Constitutional Court's decisions.

First, there is the principle that the constitution is the most important, or the supremacy of the constitution. This principle holds that the constitution is the supreme law of a country, and all legal rules must be in harmony with it. The decisions of the Constitutional Court are based on how the constitution is understood and interpreted, ensuring that government laws and regulations comply with constitutional norms. By applying this principle, the Constitutional Court ensures that government policies and actions do not violate the constitutional rights of the people. (Paradita & Triadi, 2024).

Second, the principle of human rights protection. The Constitutional Court is responsible for safeguarding human rights guaranteed by the Constitution. Constitutional Court decisions often relate to the understanding and application of human rights, including political rights, freedom of expression, freedom of religion, and socio-economic rights. In resolving human rights disputes, the Constitutional Court seeks to ensure that its decisions are in accordance with the principles of justice and equality. (Paradita & Triadi, 2024).

Third, the principle of legal certainty. This principle emphasizes that the law must be clear, predictable, and consistent. The Constitutional Court's decision must provide legal clarity and provide reliable guidance for the public and government agencies. The Constitutional Court needs to ensure that the legal limitations applied by the government are in accordance with the constitution and do not create room for arbitrary interpretation. (Paradita & Triadi, 2024).

Fourth, the principle of justice. The Constitutional Court's decision must reflect the principles of justice and fairly meet the needs of the community. The Constitutional Court is obliged to consider the public interest, ensure protection for vulnerable groups, and balance individual rights with the interests of the community. This principle of justice ensures that the decisions of the Constitutional Court not only support certain interests, but also pay attention to balance and justice in the broader context. (Paradita & Triadi, 2024).

Fifth, the principle of independence. The Constitutional Court must maintain its independence as a judicial institution. This principle ensures that the Constitutional Court can operate without political pressure or the influence of other parties. The independence of the Constitutional Court guarantees that its decisions are based on the law and available evidence, not on political considerations or external influences. (Paradita & Triadi, 2024).

Implications of Political Dynamics on the Independence of the Constitutional Court

Political dynamics not only affect the content of the Constitutional Court's decisions but also the structure and internal management of the institution. One of the most important aspects is the mechanism for the recruitment of constitutional judges. Under Article 24C, paragraph (3) of the 1945 Constitution, nine constitutional judges are each proposed by three institutions: the President, the House of Representatives, and the Supreme Court. Although this system is intended to maintain checks and balances, in practice, it opens up space for political compromise in the selection process (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 1945).

When the proposing institution has great political influence, a constitutional judge candidate may be chosen for political loyalty or suitability, not just for their ability and integrity. This directly affects how the public views the Constitutional Court's neutrality. Some studies show that the political orientation of the proposing institution influences the tendency of the decision in certain cases. (Bivitri Susanti, 2022).

In addition to internal factors, political pressure usually comes from outside, especially through public opinion and the mass media. In cases of disputes over election results, for example, the Constitutional Court is often subject to pressure from political parties, community groups, and political power elites. Political intervention against the Constitutional Court is not always direct but can take the form of polarized public expectations. (Sulistiyowati, Maharani, Maharaja, & Manoppo, 2024b). Therefore, maintaining the independence of the Constitutional Court is not only a matter of protecting it from executive and legislative power, but also from the dominance of politically biased public opinions.

The increase in the number of constitutional cases submitted to the Constitutional Court between 2018 and 2023 indicates greater public legal awareness of the Constitutional Court's role in upholding constitutional justice. From 15 cases in 2018 to 30 cases in 2023, this shows that the public sees the Constitutional Court as an institution with authority to resolve political and legal disputes or those with a wide impact on society. (Salam & Kurniasih, 2025). However, the results of the study show that, of all the decisions issued by the Constitutional Court, only 60% have actually strengthened the values and principles of democracy in Indonesia. In comparison, the remaining 40% have not been implemented optimally. (Salam & Kurniasih, 2025).

The weakness in implementing this decision is mainly due to the weak supervision of the Constitutional Court's decision. Legislative and executive institutions also often resist decisions they consider not in line with their political interests. This condition creates a paradox: normatively, the Constitutional Court has final and binding authority, but factually, it still depends on the political interests of other institutions to carry out its decisions. (Salam & Kurniasih, 2025).

With this, there is a need to increase legal awareness among institutions with low compliance with Constitutional Court decisions. On the one hand, the Constitutional Court, which helps maintain the balance of political power among institutions, needs to ensure that no institution abuses its power or exceeds the limits of authority set by the constitution. This is important to prevent the potential for authoritarianism and to keep Indonesian democracy running smoothly. (Anggreni et al., 2024).

Strategy to Strengthen the Independence and Accountability of the Constitutional Court.

The implementation of the Constitutional Court's role and duties is not without significant challenges. As an institution tasked with upholding the supremacy of the constitution and ensuring that all parties comply with its legal principles, the Constitutional Court often faces various problems that hinder its ability to carry out its duties effectively and efficiently. One of the main challenges the Constitutional Court faces is political pressure and intervention by certain parties in the decision-making process. Although the Constitutional Court is supposed to operate independently of political and external influences, in reality, its decisions are often influenced by political factors and interests. This can damage the integrity and credibility of the Constitutional Court as a fair and neutral judicial institution (Anggreni et al., 2024).

In addition to political pressure, the Constitutional Court also faces challenges in terms of human resources and finances. To carry out its duties properly, the Constitutional Court needs judges and staff who are competent, have a sense of conscience, and are trained in constitutional law. However, budget constraints often limit the Constitutional Court's ability to handle the increasing number of cases or to develop training programs for staff. This limited resource can slow the resolution of existing cases and hinder innovation in constitutional judicial practice. (Anggreni et al., 2024).

In the face of these political challenges, the Constitutional Court needs to take strategic steps to strengthen its independence and accountability. There are at least three main strategies to pursue. First, tighten the recruitment process for constitutional judges by emphasizing integrity, scientific rigor, and an ethical track record. Open selection and public participation in the process of assessing candidates for constitutional judges can be an alternative to minimize the dominance of political interests. (I Dewa Gede Palguna, 2022).

Second, strengthening transparency in decision-making. Full publication of legal considerations and dissenting opinions will increase public trust and encourage individual judges' accountability. Third, expanding the role of community supervision and internal ethics institutions is an important step. The presence of the Honorary Assembly of the Constitutional Court (MKMK) is a positive step. Still, it needs to be strengthened with more effective authority and a clear follow-up mechanism for ethical violations.

These measures are in accordance with the principles of *the rule of law* and *constitutionalism*, whereby state power must be limited by law and overseen openly to prevent abuse of power. As stated by (Sulistyowati & Dewi Nadya Maharani, 2024) "The legitimacy of the constitutional judiciary can only be maintained if its decision-making process is free from political pressure, transparent, and in favor of substantive justice."

Regarding political dynamics and their implications for the Constitutional Court (MK) in Indonesia's post-reform constitutional system, it shows that there is a complex dialectical relationship between political power and the constitutional judiciary, where the Constitutional Court cannot be positioned as an institution that is completely free from political influence, but as a state organ that is in the vortex of power interests, but still bears the normative responsibility to uphold the interests of the Constitutional Court. The supremacy of the Constitution and the principle of the rule of law. In this context, the political dynamics that develop through the electoral democratic process,

the configuration of legislative power, and the relationship between branches of power inherently shape the operational environment of the Constitutional Court, especially because of its institutional design involving a mechanism for the recruitment of constitutional judges from the executive, legislative, and judicial elements, which are conceptually intended to create balance, but in practice open up space for the entry of political interests into the institution. Therefore, the independence of the Constitutional Court is not something automatic, but must be maintained through the personal integrity of judges, institutional ethics, and an effective and sustainable supervisory system. Political dynamics are also reflected in the Constitutional Court's role as a negative legislator. Through its authority to test laws, the Constitutional Court can invalidate legal norms arising from political processes, thereby placing it in a position to confront legislative and executive institutions. This situation has dualistic implications: on the one hand, it strengthens the principle of constitutional supremacy by ensuring that the will of the majority remains within the constitutional corridor, but on the other hand, it can trigger political resistance to the Constitutional Court's decision, especially when it touches on strategic interests or power configurations. Furthermore, in the context of electoral politics, the function of the Constitutional Court as a dispute resolution over election results makes it the last forum in determining the legitimacy of power, so that every decision is not only legal but also has significant political consequences for the stability of the state and the level of public trust in democracy.

In this case, the Constitutional Court serves as an institutional instrument that transforms political conflicts into managed legal disputes to prevent their escalation outside the constitutional mechanism. However, this strategic position also puts the Constitutional Court under high political pressure, both in the form of delegitimization of decisions, pressure on public opinion, and potential intervention through political channels. In addition, political dynamics encourage the development of judicial activism, in which the Constitutional Court, in several of its rulings, not only cancels norms but also provides new interpretations that are conditionally constitutional, thereby factually contributing to the formation of legal norms. This phenomenon reflects a shift in the boundaries between judicial and legislative functions, especially when the Constitutional Court faces ambiguous legal gaps or norms that require progressive interpretation. However, the expansion of the role also raises debates about the limits of the legitimacy of judicial power, especially in relation to the principle of judicial restraint, which requires the Constitutional Court to respect the authority of lawmakers. In another dimension, post-reform political dynamics also affect the Constitutional Court's role in the impeachment mechanism, where the Constitutional Court serves as a judicial filter to ensure that the process of removing the President is based on objective legal evidence rather than mere political considerations. This change reflects a shift from political dominance to the rule of law. However, it still leaves political space in the final stage of the MPR, thus showing that the relationship between law and politics is interdependent. Furthermore, the implications of political dynamics for the Constitutional Court are also evident in institutional legitimacy, where public trust is the main determinant of the effectiveness of its decisions, given that the judiciary has no coercive tools other than moral legitimacy and legal authority. Therefore, any form of ethical violation or political intervention against constitutional judges can undermine the credibility of the Constitutional Court and weaken the foundations of constitutional democracy. From the perspective of substantial democracy, the Constitutional Court also serves as a counter-majoritarian institution that protects the rights of minorities against majority domination. Hence, its existence is essential in maintaining a balance between democratic procedures and the protection of human rights. Thus, political dynamics are not only a challenge to the independence of the Constitutional Court, but also emphasize the significance of the Constitutional Court's role as a guardian of the constitution, a balance of power, and a guarantor of constitutional justice. Overall, the relationship between political dynamics and the

Constitutional Court is ambivalent: on the one hand it has the potential to threaten the independence and integrity of the institution, but on the other hand it affirms its strategic role in managing and normalizing political conflicts within the legal framework, so that the success of the Constitutional Court depends heavily on its ability to maintain a balance between response to political dynamics and consistency with the principles of constitutionalism (*Hukum Tata Negara*, n.d.).

Another implication of the political dynamics of the Constitutional Court (MK) is the urgency of maintaining the ethics and integrity of constitutional judges, given that any ethical violation or even a hint of political intervention can seriously erode the institution's credibility. Within the framework of substantial democracy, the Constitutional Court also serves as a counter-majoritarian institution that protects the rights of minority groups against the possibility of majority domination, making its role crucial in maintaining a balance between democratic procedures and human rights guarantees. Thus, political dynamics not only present challenges to the independence of the Constitutional Court but also affirm the significance of its existence as a guardian of the constitution and a balance of power. In general, the relationship between political dynamics and the Constitutional Court is ambivalent: political influence on the one hand can threaten the independence of institutions, but on the other hand it strengthens the Constitutional Court's strategic position in managing and normalizing political conflicts within the legal framework, so that its effectiveness depends heavily on its ability to maintain a balance between response to political developments and consistency with the principles of constitutionalism as a source of legitimacy Especially. (*Hukum Administrasi Negara Dan Peradilan Administrasi*, n.d.).

Theoretical Reflections: Legal and Political Dialectics

Theoretically, the relationship between law and politics is inseparable in a democratic state. Law is a political means of organizing power, while politics is the space for its implementation. However, political dominance over the law can degrade the principle of constitutionalism if a strong judicial institution does not balance it. (Miriam Budiardjo, 2021).

The Constitutional Court plays an important role in maintaining this balance. Therefore, strengthening institutions, the professionalism of judges, and a legal culture that upholds integrity are key to ensuring that the Constitutional Court does not become involved in political games. Political dynamics should not weaken the Constitutional Court, but rather become a test of the nation's constitutional maturity.

The establishment of the Constitutional Court in Indonesia is an important milestone in the history of post-reform constitutional law. This institution was born out of the need to strengthen the principle of *constitutional supremacy* within the framework of a democratic state of law. Before the reform era, the test of the law against the constitution was not known in the Indonesian legal system; however, after the constitutional amendment, especially in Article 24C of the 1945 Constitution, the Constitutional Court was given strategic authority in protecting legislation against threats that could make the legislative process deviate from the spirit of the constitution. Therefore, the Constitutional Court is not only an additional judicial institution but also a constitutional institution that performs its functions as a guardian of democracy and a balance of power (checks and balances) within the presidential system. (Sarmila Radjak & Ahmad, 2025).

In a theoretical framework, the existence of the Constitutional Court reflects the adoption of the Kelsenian model of *the Constitutional Court*, as proposed by Hans Kelsen in the Austrian legal system, which distinguishes it from the general court. The Constitutional Court in Indonesia does not have authority to settle civil or criminal cases; rather, it focuses on constitutional disputes that have a major impact on the structure and basic values of state life. (Sarmila Radjak & Ahmad, 2025).

The presence of the Constitutional Court as the main actor in constitutional democracy requires high institutional integrity. The legitimacy of the Constitutional Court's decision depends not only on the legal basis used but also on the rationality of the argument and on transparency in the decision-making process. In practice, the Constitutional Court has produced various important decisions, including the dissolution of political parties based on violent ideologies, the protection of citizens' constitutional rights in the fields of population and citizenship, and the strengthening of minority rights. But on the other hand, many Court decisions cause controversy, especially those related to electoral issues or the interests of political elites. This shows that the Court is not completely immune to political pressure, despite being formally independent. Therefore, it is important to keep the Court from becoming an institution without control, but remaining bound by the principle of institutional accountability.

The function of the Constitutional Court in a democratic system is not only to limit government power but also to protect human rights. For example, in various rulings, the Constitutional Court has emphasized the principles of non-discrimination, freedom of religion, and the protection of vulnerable groups. These rulings show that the Constitutional Court plays a role as a tool in building legal welfare in a diverse society. Here, it is clear that the Constitutional Court plays a very important role in upholding justice under the constitution. However, the wider the scope for the Court's intervention in terms of rights and obligations, the higher the risk of abuse of authority. Therefore, the principle of prudence in every legal decision made by the Court is an ethical imperative. In many countries, abuse of authority by judicial institutions is a form of distrust of democracy. Thus, maintaining a balance between judicial activism and self-restraint is an essential condition for the continued functioning of constitutional democracy. (Sarmila Radjak & Ahmad, 2025).

In carrying out its duties and authority, the Constitutional Court is guided by Pancasila, the philosophical basis of the Indonesian nation, which has five main principles: One Godhead, Just and Civilized Humanity, Indonesian Unity, Democracy Led by Wisdom in Deliberation and Representation, and Social Justice for All Indonesian People. One example of the influence of Pancasila on the court is the interpretation of the national motto *Bhineka Tunggal Ika*, which is widely regarded as a fundamental value of Indonesian society. The Court has used this principle to protect Indonesia's diversity.

For a judicial institution, the resulting judgment must reflect the authority and level of its power and impression on the parties who are the subject of the law in the decision. The stronger and more binding a decision is, the greater its ability to be obeyed and implemented by the parties involved. The Constitutional Court is one of the institutions of judicial power tasked with administering justice to uphold it. In carrying out its duties, the Constitutional Court must consider various factors, especially in implementing the resulting decisions. As an institution with authority to interpret and oversee the validity of the 1945 Constitution, the Constitutional Court is referred to as the Constitution's sole interpreter and guardian.

The political urgency of law and order in carrying out the Constitutional Court's decision must be grounded in the principles of finality, bindingness, and *erga omnes*. One way to realize this is to increase legal certainty. When the Constitutional Court decides that a law lacks binding legal force, but other state institutions do not comply with the decision, i.e., they continue to apply the law as it stood before the Constitutional Court's decision was announced. In constitutional law, it is considered an act that violates the law and is constitutionally null and void from the beginning (*ab initio*). The *ab initio* provisions must be applied strictly and consistently by the Constitutional Court and all other relevant parties so that the political law of the execution of the Constitutional Court's decisions can help determine the direction of political law and national law reform. (Christia et al., 2024).

As a judicial institution, the Constitutional Court needs to maintain its integrity and public trust. A sense of public trust is very important for an institution because high public or community trust reflects the community's full legitimacy of its policies or decisions. State institutions, when deciding on a policy, need to assess its implications for society and be able to rationalize the decision so that the community does not act resistively, which would disrupt the community's political and social stability. Public trust is a collective belief or shared view of the government or other state institutions that encompasses perceptions, beliefs, and emotional reactions regarding their performance and integrity. (Yuliana et al., 2024). This concept involves three main dimensions: cognitive, affective, and behavioral. The cognitive dimension concerns the individual's understanding and beliefs about the object being assessed; the affective dimension concerns the individual's emotional reactions to state or government institutions; and the behavioral dimension concerns the individual's actions in responding to state or government institutions. Public trust can affect the effectiveness of government, community participation, and the quality of the relationship between the public and the government. (Yuliana et al., 2024).

Contemporary political developments have made the Constitutional Court (MK) not only a forum but also a key actor in the power contest, thereby intensifying and complicating the relationship among judicial independence, political configuration, and the quality of democracy. In the Indonesian context, one of the most crucial aspects lies in the mechanism for selecting constitutional judges, which is normatively regulated in Law No. 24 of 2003 *jo.* Law No. 7 of 2020, however, is often influenced in practice by political calculations by the proposing institutions, namely the President, the House of Representatives, and the Supreme Court. As a result, the principle of meritocracy, which should be the main foundation in the selection process, is often marginalized by considerations of political proximity, personal loyalty, and short-term interests of power actors.

The relationship between law and politics in the Indonesian context shows a dynamic dialectic, in which state power, people's sovereignty, and legal norms interact with each other while being in continuous tension; The state is basically built on a firm normative goal, namely protecting the people, realizing justice, and achieving welfare, which is juridically codified in the 1945 Constitution and its derivative regulations. Still, the implementation of these goals is largely determined by the dominant configuration of power and political processes. On the one hand, the doctrine of the rule of law emphasizes that the law is both the source and the limit of power, so that all state administrators, including the government, are obliged to submit to the law within the framework of a constitutional state that upholds the rule of law, protection of human rights, and social justice. However, on the other hand, the principle of people's sovereignty places the people as the holders of the highest power that channels it through political mechanisms such as elections, so that legal products are ultimately the result of a process of contestation, compromise, and even domination of certain political forces in the democratic system.

This dialectic is reflected in the practice of power-sharing in Indonesia, which does not adhere to the rigid separation of the classic *trias politica*, but rather a power-sharing model that allows cooperation while opening space for politicization in the law-forming process. For example, the joint drafting of laws by the President and the House of Representatives shows that the substance of the law is not completely neutral, but is often influenced by political calculations and the interests of the power coalition. In this context, state administrative law, through the general principles of good governance (AUPB), functions as a normative instrument to control political practices by requiring a government that is clean, transparent, accountable, efficient, and grounded in rationality and scientific studies. In practice, however, the implementation of these principles is often hampered by short-term political interests, for example, when policies are drafted without adequate study and then revised due to public

pressure. Political influence is also evident in law enforcement and the establishment of supervisory institutions. Ideally, supervisory institutions are formed independently, with strong authority to exercise control over power. Still, in reality, there is a tendency to weaken these institutions through regulatory changes that limit the role of supervision, as happens in the weakening of corruption eradication institutions, which ultimately results in a decline in public trust in the state's commitment to upholding the principles of the rule of law. At the concrete policy level, legal and political dialectics are also reflected in various policies that are procedurally valid according to law, but are substantively seen as unfair or not in favor of the community, such as fuel price increases, electricity tariffs, single tuition fees, and Tapera contribution policies, which trigger public resistance because they are considered contrary to the constitutional mandate related to the fulfillment of citizens' basic rights.

In such a situation, the law becomes both an arena and a political instrument. On the one hand, the government uses it to lend legitimacy to policies. Still, on the other hand, the public and opposition groups use it to seek corrections, both through the judicial review mechanism at the Constitutional Court and through public participation and protests. However, the judiciary itself is not completely free from perceptions of politicization, as reflected in polemics against decisions considered to contain conflicts of interest and to benefit certain political actors, thereby giving rise to debates about integrity, constitutional ethics, and the independence of judicial power. In addition, the demand for public participation is getting stronger, along with democratic principles that place the people as subjects in the policy-making process. However, in practice, such participation is often a formality and does not significantly affect the substance of decisions made by the political elite. Thus, the relationship between law and politics in Indonesia can be understood as an ongoing dialectical process, in which law seeks to frame and control politics through constitutions, regulations, and principles of good governance. In contrast, politics simultaneously seeks to interpret, utilize, and, under certain conditions, even manipulate the law in accordance with the interests of power. In this context, public participation spaces, supervisory mechanisms, and judicial institutions are crucial arenas for ensuring that the direction of state administration aligns with constitutional ideals, namely justice and social welfare for all people (Sulistyowati, Maharani, Maharaja, & Carnely Kahe, 2024).

CONCLUSION

The political dynamics in the Indonesian constitutional system show that the relationship between law and power is mutually affecting and cannot be completely separated. In this context, the Constitutional Court of the Republic of Indonesia (MKRI) is in a highly strategic yet vulnerable position as the guardian of constitutional supremacy. Yet, it is often in the political spotlight when its decisions concern the interests of power. Based on the results of the discussion, several important points:

1. The dynamics of national politics directly affect the function and legitimacy of the Constitutional Court. Any change in the constellation of political power, especially during general elections and strategic lawmaking, puts pressure on the Constitutional Court's independence in carrying out its duties.
2. Political intervention against the Constitutional Court does not only occur directly, for example, through the influence of the executive and legislative branches of power, but also through indirect pressure that comes from public opinion, the media, and political polarization that occurs in the community. This phenomenon confirms that *political pressure* can affect the decision-making space of constitutional judicial institutions when the ethical integrity and internal oversight systems are weak.
3. Institutional reform is urgent to strengthen the independence of the Constitutional Court, which includes:

- a. A more transparent and accountable recruitment mechanism for constitutional judges,
- b. Increased openness in the publication of decisions and *dissenting opinions*,
- c. Strengthening the Honorary Council of the Constitutional Court (MKMK) in enforcing the code of ethics and discipline of judges.
- d. Judicial ethics is the main foundation for judicial independence; independence is not only a product of institutions, but also the result of the moral integrity and ethical culture of judges. Therefore, if the system is only improved without value reform, then the institution will remain vulnerable to political influence.

Thus, strengthening constitutionalism in Indonesia is not only about improving the rules but also about fostering a legal culture based on integrity, transparency, and public responsibility. The Constitutional Court must continue to keep its distance from pragmatic and practical political interests, to remain a fortress and frontline in protecting the dignity of the constitution and upholding the principle of *the rule of law*. Based on the study of the dialectical relationship between political dynamics and the Constitutional Court's independence, several strategic steps are needed to strengthen the institutional capacity and quality of constitutionalism in Indonesia.

1. It is necessary to reorganize the recruitment system for constitutional judges that is oriented to the principle of meritocracy so that it is free from political intervention. The selection mechanism currently involving the President, the House of Representatives, and the Supreme Court must be perfected through a fit-and-proper *test procedure* that is transparent, inclusive, and based on measurable indicators, such as integrity, academic competence, and an ethical track record. Establishing an independent selection panel could help reduce the dominance of political interests in the process.
2. Second, the Constitutional Court needs to strengthen the transparency of decisions through the development of the quality of *legal reasoning*. The legal considerations prepared do not only focus on normative aspects but also need to explicitly accommodate the sociological and philosophical dimensions, especially in cases with significant political impact. In addition, optimizing the publication of *dissenting opinions* and *concurring opinions* is an important part of strengthening accountability and institutional legitimacy.
3. Third, the effectiveness of the implementation of the Constitutional Court's decision needs to be improved. Although the decision is normatively final and binding, in practice, it faces obstacles to implementation. Therefore, a stronger constitutional enforcement mechanism is needed, both by affirming sanctions for non-compliance and by strengthening the design of relations among state institutions so that the implementation of decisions operates optimally.
4. Fourth, there is a need to strengthen an independent and sustainable ethical supervision system. The role of the Honorary Assembly of the Constitutional Court (MKMK) should not only focus on responding to violations after they occur, but also on prevention through regular ethical audits, integrity monitoring, and credible public reporting mechanisms. This is important to maintain public trust in the integrity of constitutional judges.
5. Fifth, from a long-term perspective, the development of constitutional culture is a necessity. This effort must target both the political elite and the wider community through legal and democracy education that emphasizes the importance of constitutional values. Thus, the Constitutional Court is no longer seen as a space for political contestation, but as a neutral constitutional guardian institution.

Overall, strengthening the Constitutional Court is not enough through structural reforms alone; it also requires a transformation of the constitutional system's cultural and ethical aspects. This approach is crucial to ensure that the Constitutional Court continues to function as an independent, credible, and substantive justice-oriented guardian of the constitution.

REFERENCE

- Anggreni, D., Fuadi, A., Fitriyani, F., & Al-Kautsar, M. I. (2024). Peran Mahkamah Konstitusi dalam Menjamin Kedaulatan Hukum di Indonesia. *Hutanasyah : Jurnal Hukum Tata Negara*, 3(1), 11–26. <https://doi.org/10.37092/hutanasyah.v3i1.868>
- Bagir Manan. (2023). *Kekuasaan Kehakiman di Indonesia*. FH UII Press.
- Bivitri Susanti. (2022). *Politik Hukum dan Independensi Kekuasaan Kehakiman*. PSHK Press.
- Christia, A. M., Wardhani, L. C., Tristy, M. T., & Surya, F. A. (2024). Politik Hukum Eksekusi Putusan Mahkamah Konstitusi Di Indonesia. *Lex Renaissance*, 9(1), 62–84. <https://doi.org/10.20885/JLR.vol9.iss1.art4>
- Christine S.T Kansil & Putri Meilika Nadilatasya. (n.d.). Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik dan Kepercayaan Publik di Indonesia: Analisis Implikasi Hukum dan Etika. *UNES Law Review*, 6(4).
- Hukum Administrasi Negara dan Peradilan Administrasi*. (n.d.).
- Hukum Tata Negara*. (n.d.).
- I Dewa Gede Palguna. (2022). *Mahkamah Konstitusi: Konstitusi dan Demokrasi*. Rajawali Pers.
- Jimly Asshiddiqie. (2023). *Konstitusi dan Konstitusionalisme Indonesia*. Sinar Grafika.
- Jimly Asshiddiqie. (2022). *Perihal Undang-Undang*. Rajawali Pers.
- Miriam Budiardjo. (2021). *Dasar-Dasar Ilmu Politik*. Gramedia.
- Paradita, S. A., & Triadi, I. (2024). Analisis Perubahan Putusan Mahkamah Konstitusi dalam Konteks Pemilu 2024 Melalui Tinjauan Hukum Tata Negara: (Analysis of Changes in the Constitutional Court's Decision in The Context of the 2024 Elections Through a Review of Constitutional Law). *Indonesian Journal of Law and Justice*, 1(4), 13. <https://doi.org/10.47134/ijlj.v1i4.2349>
- Peter Mahmud Marzuki. (2022). *Penelitian Hukum*. Kencana.
- Putusan Nomor 90/PUU-XXI/2023, 90/PUU-XXI/2023 (Mahkamah Konstitusi Republik Indonesia Oktober 2023). https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_9332_1697427438.pdf
- Refly Harun. (2021). *MK dalam Pusaran Politik*. Pustaka Timur.
- Salam, S. N. & Kurniasih. (2025). Implikasi Putusan Mahkamah Konstitusi terhadap Demokrasi di Indonesia: Studi Yuridis-Normatif. *Perkara : Jurnal Ilmu Hukum dan Politik*, 3(1), 788–806. <https://doi.org/10.51903/perkara.v3i1.2331>
- Sarmila Radjak, & Ahmad, A. (2025). Menguji Batas Kewenangan: Tafsir Mahkamah Konstitusi atas UUD 1945 dalam Dinamika Demokrasi Modern. *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 3(3), 1800–1815. <https://doi.org/10.61104/alz.v3i3.1436>
- Sulistyowati & Dewi Nadya Maharani. (2024). *Langkah Konstitusional Dalam Impeachment Presiden Di Indonesia*. 10(1).
- Sulistyowati, Maharani, D. N., Maharaja, G. B. M., & Carnely Kahe, A. M. (2024). Hubungan Pemerintah Dan Rakyat Dalam Perspektif Hukum Administrasi Negara. *Journal of Indonesian Rural and Regional Government*, 8(1). <https://doi.org/10.47431/jirreg.v8i1.386>
- Sulistyowati, S., Maharani, D. N., Maharaja, G. B., & Manoppo, H. P. (2024a). Refleksi Putusan Mahkamah Konstitusi pada Pemilihan Presiden Tahun 2024 Terhadap Politik dan Demokrasi Indonesia. *Qanuniya : Jurnal Ilmu Hukum*, 1(1), 10–25. <https://doi.org/10.15575/qanuniya.v1i1.826>
- Sulistyowati, S., Maharani, D. N., Maharaja, G. B., & Manoppo, H. P. (2024b). Refleksi Putusan Mahkamah Konstitusi pada Pemilihan Presiden Tahun 2024 Terhadap Politik dan Demokrasi Indonesia. *Qanuniya : Jurnal Ilmu Hukum*, 1(1), 10–25. <https://doi.org/10.15575/qanuniya.v1i1.826>

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, UUD § Pasal 24C ayat (3) (1945).

Yuliana, A., Tuasalamony, A. A., Al Fath, Parhusip, A. D., Febriani, A., & Bakhtiar, H. S. (2024). ANALISIS TINGKAT KEPERCAYAAN PUBLIK TERHADAP MAHKAMAH KONSTITUSI PASCA PUTUSAN NOMOR 90/PUU-XXI/2023. *Jurnal Hukum Statuta*, 3(2), 74–91. <https://doi.org/10.35586/jhs.v3i2.9095>