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The Erosion of Judicial Independence in the Revision of the Constitutional Court Law and Its Impact on the Legitimacy of Decisions

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ABSTRACT

This study analyzes the erosion of the Constitutional Court's (MK) judicial independence resulting from the revision of Law No. 24 of 2003 by Law No. 7 of 2020, focusing on the altered judicial selection mechanisms by the DPR and the President, the maximum age limit of 70 years, and the single-term tenure. Utilizing a normative legal research approach with statutory and conceptual methods via literature review, this study examines the position of the Constitutional Court as the Guardian of the Constitution, the impact of the revision on judicial uncertainty, and the potential decline in the legitimacy of its rulings. The results indicate that legislative and executive dominance has created judicial capture, diminished public trust, and challenged the supremacy of the 1945 Constitution as mandated by Article 24 paragraph (1). This revision triggers constitutional disharmony, the erosion of the Court's authority, and judicial uncertainty. The conclusion emphasizes the necessity of pure meritocracy in judicial selection and the strengthening of checks and balances. Recommendations include executive and legislative self-restraint, transparent legislative oversight, further amendments to the Constitutional Court Law, and subsequent empirical research on restoring constitutional legitimacy.

Keywords: judicial independence; judicial uncertainty; legitimacy.

INTRODUCTION

The revision of the Constitutional Court (MK) Law through Law No. 7 of 2020, along with its recent amendments, sparks serious concerns over how it erodes judicial independence a core pillar of the rule of law. By altering the judicial selection process by the DPR and the President, capping the age requirement at 70, and introducing a single-term tenure, these changes threaten to chip away at the Court's role as the Guardian of the Constitution and ultimately undermine the legitimacy of its decisions.¹

In Indonesian constitutional practice, Article 24 paragraph (1) of the 1945 Constitution explicitly guarantees judicial independence, ensuring that judicial power remains free to administer justice and uphold the law. However, the revision of

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¹ Jimly Asshiddiqie. *Konstitusi dan Ketatanegaraan Indonesia* (Jakarta: Sinar Grafika, 2010), 45.

Law No. 24 of 2003 concerning the Constitutional Court disrupts this delicate system of checks and balances. By allowing the legislature and the executive to dominate judicial appointments, the new rules open wide the door to political intervention.² The fast-track legislative process in 2020, which left little to no room for public participation, only fuels the narrative of judicial capture where political loyalty clearly trumps juridical competence.

Constitutional theory suggests that the Court's independence is crucial to shield the supremacy of the constitution from the political weight of the legislative-executive majority. This independence goes beyond simple rules; it wraps together institutional aspects like selection and tenure, judicial behavior that drives the integrity of decisions, and how the public perceives the legitimacy of those rulings.³ Yet, these regulatory shifts stir up judicial uncertainty. They pressure justices to align their rulings with the political agendas of the authorities who appointed them a reality starkly illustrated when the DPR controversially dismissed Justice Aswanto after he rejected Perppu No. 2/2022.⁴ This not only chips away at the Court's prestige but directly challenges the rule of law by casting a heavy shadow of doubt over its constitutional neutrality.

Ideally, appointing constitutional justices should boil down to meritocracy and independence, just as the original Article 13A of the Constitutional Court Law intended by keeping political dominance in check. Instead, the latest amendments stretch the single-term tenure all the way to a retirement age of 70, while tying it to periodic evaluations by the President a setup that risks turning tenure into a tool for executive pressure.⁵ This provision flies in the face of international standards on judicial independence, particularly the UN Basic Principles on the Independence of the Judiciary (1985), which firmly state that tenure must remain entirely free from political interference.

On the flip side, proponents of the revision argue that these changes actually boost stability and professionalism among the justices. Yet, real-world practice tells a completely different story: political intervention driven by this regulation breeds judicial uncertainty, triggers potential conflicts of interest, and drags down public trust in the Constitutional Court.⁶ To make matters worse, the controversial rulings coming out of the Court post-revision are widely seen as products of political bargaining, shaking its very legitimacy as the guardian of the constitution.

² Bagir Manan. *Mahkamah Konstitusi: Hakim Konstitusi dan Putusan Konstitusinya* (Jakarta: Pustaka LP3ES, 2012), 112.

³ Mahfud MD. *Politik Hukum di Indonesia* (Jakarta: Rajawali Pers, 2011), 78.

⁴ Denny Indrayana. *Indonesian Constitutional Reform 1999–2002* (Jakarta: Kompas, 2014), 203.

⁵ Jimly Asshiddiqie. *Hukum Tata Negara dan Pilar-Pilar Demokrasi* (Jakarta: Konstitusi Press, 2006), 156.

⁶ Ahmad Fadlil Sumadi. "Independensi Mahkamah Konstitusi," *Jurnal Konstitusi* 8, no. 5(2011): 640, <https://doi.org/10.31078/jk851>.

On the one hand, the Constitutional Court certainly needs to adapt to the shifting dynamics of democratic politics. On the other hand, letting the DPR and the President dominate the selection process risks turning the Court into a subordinate body, triggering a wave of constitutional disharmony. Given this reality, we closely look into how the statutory revision erodes the Court's independence and directly impacts the legitimacy of its decisions.⁷ Therefore, this article aims to dissect the changes in the selection mechanism, age requirements, and tenure of constitutional justices. In doing so, it evaluates how these factors fuel judicial uncertainty and diminish the Court's prestige, ultimately seeking ways to reinforce constitutional supremacy in Indonesia.

RESEARCH METHOD

This study adopts a normative legal research method (normative juridical), centering its analysis on prevailing positive legal norms. We use this approach to unpack the amendments to Law Number 24 of 2003 concerning the Constitutional Court (MK), focusing specifically on the revision under Law Number 7 of 2020 and its most recent changes. Furthermore, the study examines how these legislative shifts impact both judicial independence and the legitimacy of the Court's rulings as the Guardian of the Constitution. To build a solid analysis, this research relies on two main approaches: the statutory approach and the conceptual approach.⁸

Through the statutory approach, we examine the legal framework surrounding the Constitutional Court, specifically looking at Articles 24 and 24C of the 1945 Constitution of the Republic of Indonesia. This also involves a deep dive into Law Number 24 of 2003, as amended by Law Number 7 of 2020, along with other relevant regulations like Law Number 12 of 2011 on the Formulation of Laws and Regulations. Meanwhile, we apply the conceptual approach to explore core constitutional ideas such as judicial independence, judicial uncertainty, and the supremacy of the constitution while also looking at how the principle of checks and balances plays into judicial selection, age requirements, and tenure.⁹

This study draws on three layers of legal materials: primary, secondary, and tertiary. The primary materials consist of legislations tied directly to our research, such as the Constitutional Court Law and relevant court rulings on judicial independence. For secondary materials, we integrate constitutional law textbooks, academic journals,

⁷ Ratna Riyanti, Rian Prayudi Saputra, and Hafiz Sutrisno. "Erosi Konstitusionalisme: Analisis Yuridis terhadap Independensi Mahkamah Konstitusi dalam Dinamika Politik Hukum Kontemporer: Penelitian," *Jurnal Pengabdian Masyarakat dan Riset Pendidikan* 4, no. 3 (2026): 20531–36, <https://doi.org/10.31004/jerkin.v4i3.5512..>

⁸ M. Marzali. *Metode Penelitian Hukum Normatif*. (Jakarta: Kencana, 2010), 89.

⁹ B.J. Nasution. *Penelitian Hukum Normatif: Pendekatan dan Aplikasi*. (Bandung: Refika Aditama, 2019), 112.

and expert perspectives including insights from Jimly Asshiddiqie and Bagir Manan that shed light on our topic. Finally, the tertiary materials incorporate constitutional law dictionaries and encyclopedias of constitutionalism, which help unpack specific legal terms and concepts like the erosion of independence and judicial legitimacy.¹⁰ To gather these legal materials, we rely on library research. Once collected, we break down the data using a qualitative analysis method. This means we unpack, interpret, and connect existing legal norms to shape systematic and well-argued conclusions, which includes evaluating how legislative-executive interventions chip away at the Court's prestige.¹¹

DISCUSSION

The Constitutional Court (MK) holds a highly strategic and unique position in the Indonesian constitutional system as an independent judicial body. Constitutionally, its authority is deeply rooted in Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This article establishes the Court as the first and final avenue of justice whose decisions are final and binding. In this capacity, its core functions include reviewing laws against the constitution, resolving jurisdictional disputes between state institutions, deciding on the dissolution of political parties, and settling electoral disputes. Within the constitutional framework, the Court stands as the Guardian of the Constitution, a role that ensures the supremacy of the 1945 Constitution over all legislations, thereby maintaining a delicate system of checks and balances among state organs to uphold the rule of law.¹²

From a hierarchical standpoint, Law Number 24 of 2003 concerning the Constitutional Court serves as the main pillar reinforcing the Court's stance as an independent institution equal to the Supreme Court. Within this hierarchy, the Court wields the ultimate constitutional authority over judicial review, meaning its rulings are final and binding, leaving no room for other institutions including the parliament or the executive to challenge them. This equal footing allows the Court to strike down any legislation that violates the constitution, safeguarding the integrity of the national legal system. Yet, despite this independence, the material boundaries regulating how the DPR, the President, and the Supreme Court appoint justices create a backdoor for political intervention, as outlined in Articles 13 to 17 of the Constitutional Court Law.¹³

¹⁰ E. Sihombing. *Metodologi Penelitian Hukum Yudisial*. (Yogyakarta: Genta Publishing, 2015), 45.

¹¹ A. Hidayat. *Analisis Yuridis Normatif dalam Hukum Konstitusi*. (Jakarta: Prestasi Media, 2022), 67.

¹² Jimly Asshiddiqie. *Konstitusi dan Ketatanegaraan*, 45.

¹³ Bagir Manan. *Mahkamah Konstitusi: Hakim*, 112.

Constitutional law experts shed more light on the Court's role as the "guardian of the constitution," viewing it as a clear manifestation of constitutionalism designed to block the tyranny of the legislative-executive majority through constitutional review. The Court stands as the final fortress for the supremacy of the constitution, wielding authority that is not just normative on paper, but highly strategic in keeping democratic stability intact. However, a fundamental tension lies in how its justices gain legitimacy; while the constitution guarantees absolute independence, the selection process itself involves the executive and legislative branches creating a political dynamic that leaves the Court vulnerable to judicial capture.¹⁴

The permanent and independent nature of the Court demands strict institutional safeguards, particularly regarding the tenure and qualifications of its justices. Indrayana highlights that the Court's independence heavily relies on tenure security and political non-intervention, meaning justices must remain entirely free from external pressures to protect the legitimacy of their rulings. The rule of law dictates that every Court decision must hold pure constitutional legitimacy, completely stripped of partisan influence. Because of this, the fact that the DPR and the President dominate the selection process is often seen as fundamentally at odds with the theory of judicial independence, given the political nature built right into the system.¹⁵

In Indonesian constitutionalism, the separation of powers stands as a foundational concept. To understand the theoretical bedrock of why state institutions must prioritize national interests completely free from conflicts of interest we inevitably turn to Montesquieu's theory of the separation of powers. This framework divides state authority into three distinct branches: the executive, the legislative, and the judiciary. In Montesquieu's view, each branch carries a distinct mandate namely making laws, executing laws, and enforcing those laws and regulations. This setup aims to foster constitutional harmony and stability, as every institution operates within boundaries strictly defined by the constitution, allowing them to fulfill their respective core duties. Driven by these designated powers, the House of Representatives (DPR) holds an attributive authority granted directly by the 1945 Constitution. A prime example of this is the DPR's lawmaking power under Article 20 paragraph (1) of the 1945 Constitution, which explicitly states, "The House of Representatives shall hold the power to form laws."¹⁶

¹⁴ Mahfud MD. *Politik Hukum*, 78.

¹⁵ Denny Indrayana. *Indonesian Constitutional*, 203.

¹⁶ E. Zaenal Muttaqin, "Konsep Pemisahan Kekuasaan (Separation of Power) Pasca Amandemen UUD 1945 antara Lembaga Eksekutif dan Legislatif," *Al-Qisthas: Jurnal Hukum dan Politik* 6, no. 1 (2019): 14–31, <https://jurnal.uinbanten.ac.id/index.php/alqisthas/article/view/1581>.

Furthermore, the Constitutional Court's standing within the state system heavily ties into the constitutional oversight it exercises over both the executive and legislative branches. As Sumadi notes, within Indonesia's framework of constitutionalism, the Court acts as a power equalizer designed to prevent the abuse of power, a mandate anchored in Article 24 paragraph (1) of the 1945 Constitution. This mechanism is vital to keep the supremacy of the constitution intact and prevent any normative blurring between state institutions. Yet, even though the Court wields final authority, its survival ultimately hangs on an internal independence that must remain untouched by politically driven statutory revisions.¹⁷

The risks tied to the Court's "independent yet vulnerable" position hit close to home when it comes to safeguarding citizens' constitutional rights, as guaranteed by Article 28D paragraph (1) of the 1945 Constitution. Any threat to the supremacy of the constitution such as justices being swayed by political interference during the selection process directly sparks judicial uncertainty. The promise of a fair and certain ruling turns fragile if the very foundation of judicial independence becomes conditional on the political agendas of those who appoint the justices. This underscores that while the Court sits at the apex of the constitutional judiciary, it harbors a substantive blind spot that can rattle state stability if the system isn't strictly managed through meritocracy.¹⁸

Looking at the bigger picture, the Constitutional Court occupies a space in Indonesia's state system as the ultimate guardian of the constitution holding a level of independence equal to the Supreme Court, but with the specific mandate of upholding the 1945 Constitution. Asshiddiqie reminds us that the scope of the Court's authority should ideally mirror the principles of pure constitutionalism; however, its exercise must be bound by strict judicial independence to prevent political subordination. Its existence is a clear manifestation of judicial power balanced by checks and balances. Therefore, placing the Court within the constitutional hierarchy aims to strike a balance between its role as the "guardian of the constitution" and its "judicial autonomy," both rooted in human rights. Strengthening the Court's independence must be done deliberately to protect the values of constitutional supremacy and justice that anchor Indonesia as a rule of law state.

The Revision of Constitutional Court Regulations through the Lens of Judicial Independence

A fundamental principle anchoring judicial independence in Indonesia is the autonomy of constitutional justices from external political interference. This is firmly

¹⁷ I Ahmad Fadlil Sumadi. "Independensi Mahkamah," 643.

¹⁸ Ratna Riyanti, et al. "Erosi Konstitusionalisme," 20533.

guaranteed by Article 24 paragraph (1) of the 1945 Constitution, which declares that judicial power must remain free to uphold the law and deliver justice. This principle states absolutely that Constitutional Court (MK) justices must be insulated from legislative and executive influence throughout their selection, tenure, and decision-making processes, enabling the Court to serve as the Guardian of the Constitution without political compromise.¹⁹ Within Indonesia's constitutional structure, this principle was originally operationalized through Law Number 24 of 2003, which limited the dominance of the DPR and the President in judicial appointments. However, the revision under Law Number 7 of 2020 did the exact opposite expanding their authority and creating a legal loophole that threatens institutional independence.

These revised provisions reflect a loss of legislative caution regarding judicial independence. This stems from the fact that the Court's independence serves as a constitutional *ultimum remedium* to check the tyranny of the majority; therefore, political institutions must not alter its rules arbitrarily.²⁰ Although the Court remains hierarchically independent, the unilateral nature of this legislation rushed through fast-track mechanisms by the DPR with executive backing parks serious legal concerns. This is especially true regarding changes to the judicial selection mechanism (divided equally among the DPR, President, and Supreme Court), the extended age cap of 70, and the implementation of a single-term tenure. These changes risk completely ignoring principles of good legislation, particularly meritocracy, transparency, and democratic legitimacy, which should be absolute requirements for strengthening the judiciary.²¹

Furthermore, from the standpoint of constitutional theory, any revision to the Court's regulations must feature a clear framework and a well-defined purpose for independence. Tweaking selection processes and tenures through revisions is often seen as highly vulnerable to judicial capture, especially when there is no public or independent dialectic while the norms are being drafted. As the guardian of the constitution, the Court naturally focuses on democratic stability, yet this revision sidelines the deeper need to shield justices from political pressure. By shutting civil society out of the legislative process, the norm of independence loses the very spirit of pure constitutionalism ultimately damaging the judicial justice that the wider public deserves to experience.

¹⁹ Gadis Sartika Harrit and Syukriah. "Independensi Mahkamah Konstitusi Sebagai Salah Satu Pelaku Kekuasaan Kehakiman," *Unmuha Law Journal* 3 no. 1 (2026), 20, <https://ejournal.unmuhalawjournal.id/index.php/unmuhalaw/article/view/103>

²⁰ Gema Ayodya Syuhada Firdaus and Rinaldi Yusman. "Ancaman Independensi Mahkamah Konstitusi dalam RUU Perubahan Keempat: Analisis Konflik Kepentingan". *Jatiswara*, 40 no. 2 (2025), <https://doi.org/10.29303/jtsw.v40i2.1213>

²¹ Mahfud MD. *Politik Hukum di Indonesia*, 78.

Another glaring issue stems from the risk of judicial uncertainty brought on by the single-term tenure and periodic evaluations by the President. Since justices can now hold office without a fixed term up to the retirement age of 70 and remain exposed to potential politically motivated dismissals the legitimacy of the Court's rulings becomes heavily dependent on the whims of the DPR and the President. If a justice rejects the political agenda of their appointing branch, as vividly seen in the case of Justice Aswanto, it triggers constitutional complications regarding whether the Court's subsequent rulings can still be viewed as impartial. This directly flies in the face of the principle of legal certainty, which demands stable independence. Therefore, a critical review of the core substance within the revised Constitutional Court Law is urgently needed to ensure that these changes do not serve as a political shortcut for the ruling elite to subjugate the judiciary without a solid and sustainable foundation of constitutional legitimacy.²²

The Impact of the Revision on Independence and Judicial Uncertainty

Judicial independence serves as a core pillar and an absolute prerequisite for upholding the rule of law (*rechtsstaat*), as explicitly guaranteed by Article 24 paragraph (1) of the 1945 Constitution. Theoretically, independence demands predictable tenure security for justices, keeping them entirely free from political interference. However, the revision of the Constitutional Court (MK) Law under Law Number 7 of 2020 threatens to dismantle these very foundations of independence. By allowing the DPR and the President to dominate both the selection process and tenure evaluations, these changes breed judicial uncertainty that actively undermines the legitimacy of the Court's rulings.²³ In practice, this setup leaves the door wide open for justices to align their decisions with the political agendas of their appointing branches just to secure their seats until the retirement age of 70.

This situation triggers an acute legal fog regarding the impartiality of the Court's decisions, posing a severe threat to citizens' constitutional rights to a protected, supreme constitution. Beyond stripping the institution of its prestige, these conditions trap constitutional justices in a heavy dilemma. They are mandated to deliver final and binding rulings, yet they are fully aware that their personal independence hinges on political approval from the DPR, the President, or the Supreme Court a reality starkly illustrated by the controversial dismissal of Justice Aswanto after he rejected Perppu Number 2 of 2022. Consequently, this regulatory revision essentially creates institutional instability that jeopardizes the very essence of the Court as the Guardian of the Constitution.

²² Denny Indrayana. *Indonesian Constitutional*, 203.

²³ Jimly Asshiddiqie. *Konstitusi dan Ketatanegaraan*, 156.

Furthermore, the revision of Constitutional Court regulations risks triggering widespread constitutional disharmony within the state system. This disharmony arises when judicial selection mechanisms clash with the principles of checks and balances under the 1945 Constitution or stand diametrically opposed to international standards of judicial independence. Such a phenomenon of judicial capture does more than just weaken the effectiveness of constitutional review; it breeds uncertainty in how justices interpret the supremacy of the constitution. This is inherently dangerous, as ambiguous rulings can ultimately lead to the judiciary being subordinated to executive and legislative power.

The conditional nature of a single-term tenure, which mandates periodic evaluations, serves as the most critical point of degradation for judicial independence. If a justice delivers an "unpopular" ruling against the DPR or the President, it triggers constitutional complications regarding politically motivated dismissals that erode the legitimacy of the entire institution. This paradoxical condition fundamentally contradicts the principle of judicial certainty and Article 24C of the 1945 Constitution. Along these lines, the evaluation framework for justices carries a latent risk of causing systemic violations of constitutionalism due to this structural dependence on the appointing bodies.²⁴

Looking deeper, these regulatory revisions could be seen as violating the principle of constitutional hierarchy if their material substance conflicts with the 1945 Constitution or core constitutional values. Even within the universal principles of constitutional democracy, the protection of judicial independence especially the non-derogable principle of political non-intervention must never be sidelined. The Court's right to issue decisions free from pressure is a core part of that right. Therefore, to preserve constitutional harmony and democratic security, the Court's independence should ideally be maintained through a pure meritocratic mechanism. Any regulatory revisions should be strictly limited, avoiding changes that create future judicial uncertainty.²⁵

The Potential Decay of Court Legitimacy and Constitutional Supremacy

Beyond the critical issue of judicial uncertainty, the revisions to the Constitutional Court (MK) regulations also carry a high risk of eroding the legitimacy of its rulings and the supremacy of the constitution in the eyes of the public. Fundamentally, the Court's legitimacy hinges on public trust in its role as a neutral Guardian of the Constitution.

²⁴ Anggijat P Simamora. Independensi Hakim Mahkamah Konstitusi dalam Perspektif Teori Hukum Murni Hans Kelsen: Studi Atas Putusan MK No. 90/PUU-XXI/2023. *MARAS : Jurnal Penelitian Multidisiplin* 3, no. 3 (2025), 1041. <https://doi.org/10.60126/maras.v3i3.1156>

²⁵ Samuel Walangitan. "Independensi Mahkamah Konstitusi di Tengah Tekanan Politik," *Indonesia of Journal Business Law* 4 no. 2 (2025), 50, <https://doi.org/10.47709/ijbl.v4i2.6596>

However, the dominance of the DPR and the President over judicial selection and tenure evaluations stands in stark contrast to the constitutional principles of the 1945 Constitution. This creates a public perception that the Court's decisions are born out of political bargaining rather than pure legal analysis. Such an erosion of legitimacy inevitably leads to a clash of constitutional norms, which ultimately compromises the integrity of the entire national state system.

In a state governed by the rule of law (*rechtsstaat*), upholding the supremacy of law is non-negotiable to ensure that constitutional processes run smoothly. The rule of law dictates that a nation must be governed by regulations that prioritize legal supremacy built on principles of justice enforced through an independent judiciary.²⁶ From this perspective, justices must remain independent and impartial, viewing every case objectively to ensure justice is served without outside interference. This is a hallmark of a true *rechtsstaat*: a state that genuinely respects the law must provide the judiciary with the breathing room to function autonomously.²⁷ To achieve this judicial freedom, there must be legal guarantees protecting justices from all forms of state intervention, intimidation by coercive forces, or threats that could weigh on them psychologically, both during the trial and after a verdict is reached. Ultimately, the judicial function springs from two interconnected social needs: the relationship between the individual and society, and the relationship between the individual, society, and the state all governed by well-crafted regulations that establish reciprocal rights and duties. When disputes over these rights arise, a neutral third party is essential to deliver a fair and just resolution.

This potential decay in legitimacy triggers a damaging domino effect, hitting public trust in constitutional supremacy the hardest. It not only hamstring the Court's ability to enforce its final and binding rulings but also severely drags down public confidence in the judiciary itself. When landmark rulings such as those on presidential age limits or electoral disputes are perceived as politically tailored by the appointing authorities, the constitution loses its weight as the ultimate guide for a rule-of-law state. This foggy impartiality is often weaponized by political actors to discredit the Court, ultimately robbing the wider public of constitutional justice.

In the long run, politically motivated regulatory revisions set a dangerous precedent in Indonesian constitutional history. It raises fears that future regimes will routinely use statutory amendments as a shortcut to achieve judicial capture, completely

²⁶ Zaid Afif. "Konsep Negara Hukum Rule of Law dalam Sistem Ketatanegaraan Indonesia, *Jurnal Pionir* 2 no. 5 (2018), 1, <https://doi.org/10.36294/pionir.v2i5.322>

²⁷ Andi Suherman. "Implementasi Independensi Hakim dalam Pelaksanaan Kekuasaan Kehakiman," *Sign Jurnal Hukum* 1 no.1 (2019), 2, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n1-42-51/14>

bypassing the checks and balances designed to shield the supremacy of the 1945 Constitution. If the Court is reduced to a rubber stamp for executive and legislative interests, constitutional democracy face serious degradation a reality starkly exposed by controversies surrounding dynastic politics that have shattered the institution's reputation.²⁸

Therefore, to safeguard the integrity of constitutional supremacy, reinforcing the Court's independence particularly its selection mechanisms and tenure must return to pure meritocracy, either through constitutional amendments or independent oversight. Under such a framework, the depth of the Court's reasoning can be preserved, ensuring its rulings are completely stripped of partisan influence. Moving forward, statutory revisions must be restricted to their narrowest function: strictly limited, proportional, and aimed solely at boosting professionalism without political meddling. Only then can the Court's legitimacy be restored, ensuring that constitutional supremacy never slips into a crisis of confidence driven by an erosion of independence that sidelining the principles of good constitutionalism.

CONCLUSIONS

Based on the preceding analysis, the common thread is clear, the revisions to the Constitutional Court (MK) Law, specifically through Law Number 7 of 2020 and its subsequent changes, act as a paradoxical instrument within Indonesia's state system. On one hand, these revisions are claimed to bolster the Court's professionalism as the Guardian of the Constitution under Article 24C of the 1945 Constitution. On the other hand, the shifts in the judicial selection mechanism by the DPR and the President along with the 70-year age cap and the single-term tenure trigger a serious erosion of judicial independence and create profound judicial uncertainty. True independence, as a pillar of constitutionalism, should spring from pure meritocracy rather than a legislative-executive dominance that is conditional and prone to political interference.

These regulatory revisions have clearly led to a significant degradation of both the legitimacy of the Court's rulings and the supremacy of the constitution. The dominance of appointing institutions in evaluating justices has created a state of "conditional independence," where the impartiality of rulings becomes precarious if justices feel pressured to align with political agendas to secure their seats. This reality directly undermines the constitutional guarantees set forth in Article 24 paragraph (1) of the 1945 Constitution. Furthermore, the perception of judicial capture fueled by these revisions triggers constitutional disharmony and a loss of public trust, ultimately making it harder

²⁸ Ahmad Fadlil Sumadi. "Independensi Mahkamah Konstitusi," 638

for the Court to uphold the supremacy of the 1945 Constitution in a consistent and authoritative manner for the public.

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