
Constitutional Justice in the Shadow of Political Interests Analysis of the Legal Reasoning of Constitutional Judges

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Abstract

Constitutional justice is a fundamental principle in a state governed by the rule of law, requiring that every action of state officials consistently adhere to the constitution and be free from political interference. However, in Indonesian constitutional practice, the Constitutional Court often finds itself in a dilemma when its decisions directly impact electoral interests and the agendas of those in power. This study examines how constitutional judges' legal reasoning operates when the constitution is confronted with intense political situations, and how certain decisions demonstrate the tension between the principles of constitutional justice and the dynamics of legal politics.

This research employs a normative juridical approach by examining Constitutional Court decisions, particularly those with significant political impact. The analysis focuses on the construction of legal arguments, methods of constitutional interpretation, and their coherence with the principles of constitutional justice as understood in modern constitutional theory. Various literatures, such as Jimly Asshiddiqie's thoughts on the democratic rule of law, Ran Hirschl's concept of the judicialization of politics, and the principle of checks and balances, serve as analytical foundations for interpreting the reasoning of constitutional judges. The results show that the tension between law and political interests does not always result in deviations, but often gives rise to inconsistencies in legal argumentation that erode public trust. This is evident in several strategic decisions that expand or restrict citizens' political rights. Ultimately, this research offers the perspective that strengthening the integrity, quality of reasoning, and transparency of judges' deliberations are key prerequisites for the Constitutional Court to continue functioning as a guardian of constitutional justice amidst the maelstrom of political interests.

Keywords: *Constitutional Justice, Legal Reasoning, Constitutional Court*

INTRODUCTION

Constitutional justice is a fundamental principle that affirms that all administration of power must be subject to the constitution as the supreme law. This principle rests on the idea that the constitution is not merely a legal document, but also a moral and political instrument that binds every branch of government to prevent arbitrary action. According to Jimly Asshiddiqie (2006), the essence of constitutional justice lies in the state's ability to ensure that every political action remains within the constitutional framework and does not disregard the fundamental rights of citizens. Therefore, the Constitutional Court, as the guardian of the constitution, plays a central role in ensuring that this principle is realized in the practice of Indonesian state administration.

In the development of modern democracy, the Constitutional Court acts not only as a regular judicial institution, but also as a guardian of the balance of power amidst political dynamics. The Constitutional Court's authority as stipulated in Article 24C of the 1945 Constitution provides a broad mandate to test laws against the Constitution, decide on disputes over authority between state institutions, decide on disputes over election results, disband political parties, and decide on disputes over regional election results (in the context of certain laws and regulations). This strategic position often places the Constitutional Court in the vortex of complex political issues, especially when its decisions directly impact the state's power structure.

Ran Hirschl (2004), in his concept of the judicialization of politics, explains that constitutional courts in various countries tend to become arenas for political contestation, especially when political actors realize that the judiciary can be an effective instrument for achieving certain political goals. This phenomenon is clearly evident in the Indonesian context, for example, when the Constitutional Court must decide on issues such as the electoral system, the presidential nomination threshold, the age limit for regional head candidates, and disputes over national election results. These decisions have enormous political implications and often influence the landscape of power.

On the other hand, the ideal of constitutional justice demands that constitutional judges place the constitution as the sole normative reference in deciding cases. However, under certain circumstances, political pressure, public opinion, and even relations between state institutions can influence the context of judges' deliberations in constructing legal reasoning. Mahfud MD (2010) once emphasized that the dynamics of political and legal interaction cannot be completely avoided, but must be maintained to prevent distortions of the principles of the rule of law. Therefore, the quality of legal argumentation is key to ensuring that the Constitutional Court's decisions remain grounded in constitutional justice, not political interests.

The problem is, in some of the Constitutional Court's strategic decisions, the public often criticizes inconsistent arguments or inadequately explained shifts in perspective. This is evident, for example, in decisions related to the election system and the requirements for candidacy for public office. When legal arguments are deemed inconsistent, public trust in the Constitutional Court is eroded. As Joseph Raz (1979) argued, the rule of law demands that judicial decisions be clear, predictable, and based on logical reasoning. Otherwise, the moral authority of the judiciary is weakened.

Beyond legal reasoning, the integrity of constitutional judges is also a crucial issue in the discourse on constitutional justice. Several ethical cases involving Constitutional Court judges in recent years have raised fundamental questions about how the institution's independence is maintained. Bruce Ackerman (1991) reminds us that the principles of constitutionalism can only be implemented if the institution that guards the constitution possesses high integrity and public trust. Without such integrity, constitutional justice is easily distorted by political interests.

It is in this context that research on constitutional justice and the legal reasoning of Constitutional Court judges becomes highly relevant. First, this research provides insight into how legal logic is constructed in strategic decisions. Second, this research helps analyze the extent to which the influence of political dynamics is reflected in judges' legal reasoning. Third, the results of this study can serve as academic recommendations for strengthening institutional reform of the Constitutional Court, particularly regarding transparency of deliberations, ethical standards, and consistency of legal argumentation.

Furthermore, studying the legal reasoning of Constitutional Court judges is part of the effort to maintain the health of the constitution. The Constitution is not only protected through text, but also through consistent, rational, and objective interpretative practices. Therefore, every form of legal reasoning by constitutional judges must be scientifically and ethically

accountable. If this is maintained, the Constitutional Court will remain a bastion of constitutional justice even amidst political turmoil.

METHOD

This research uses a normative juridical method that examines law as written norms and how these norms are interpreted in Constitutional Court decisions. This method is relevant because the object of study is the construction of legal reasoning contained in constitutional judges' decisions. According to Soerjono Soekanto (1986), normative legal research aims to interpret legal norms and observe how these norms operate in practice through court decisions.

The approaches used include a statutory regulatory approach, a conceptual approach, and a case approach. The regulatory approach is used to examine constitutional provisions and laws relating to the Constitutional Court's authority. The conceptual approach is used to review theories regarding constitutional justice, the separation of powers, and the judicialization of politics. The case approach is used to analyze a number of Constitutional Court decisions with significant political implications. Data were obtained from literature studies in the form of books, scientific journals, and Constitutional Court decisions. The analysis was conducted qualitatively by assessing the coherence of legal reasoning, consistency of interpretation, and the suitability of arguments to the principles of constitutional justice.

RESULTS AND DISCUSSION

1. Constitutional Justice and the Independence of Constitutional Court Decisions

Constitutional justice is a principle that requires that all actions of state administrators, including the legislative and executive branches of government, must be subject to the limits set by the constitution. In the Indonesian context, the Constitutional Court (MK) is an institution directly mandated by the 1945 Constitution to ensure that this principle is not merely a normative idea but is realized in state practice. However, in Indonesia's dynamic political reality, the MK's role is often caught in the crossfire of political interests, thus testing the institution's ability to maintain its independence and the integrity of its legal reasoning. This section examines in depth the relationship between constitutional justice, political dynamics, and the independence of MK decisions.

The principle of constitutional justice is inseparable from the concept of the rule of law. Jimly Asshiddiqie (2006) asserts that constitutional justice is the highest form of the rule of law, as it places the constitution as both the boundary and the guideline for state action. In a modern democratic system, constitutional justice not only means protecting citizens' rights but also maintaining a balance of power among state institutions. Therefore, the Constitutional Court's decisions should ideally be a manifestation of legal objectivity, not a reflection of the dominant configuration of political interests.

However, significant challenges arise when the cases examined by the Constitutional Court concern not only normative aspects but also have direct political implications. Ran Hirschl (2004) describes this phenomenon as the judicialization of politics, where the judiciary becomes an arena that determines the direction of policy and the map of political power. In this context, constitutional courts no longer merely resolve legal disputes but indirectly shape the country's political outcomes. In other words, every Constitutional Court decision can influence the balance of power, the popularity of political parties, and even electoral dynamics. This situation demands that the Constitutional Court maintain its independence through strong, transparent, and consistent legal reasoning.

Independence is a fundamental aspect of constitutional justice. Without independence, constitutional justice will lose its substance. Mahfud MD (2010) warned that political pressure on constitutional judges is inevitable, but the institution's integrity can only be maintained if judges are able to rely on objective legal arguments and not succumb to short-term political interests. However, various events in recent years have shown that the Constitutional Court's independence is often questioned by the public, particularly when its decisions relate to electoral issues.

Several controversial Constitutional Court decisions provide concrete illustrations of how politics can influence constitutional interpretation. For example, decisions regarding age limits for regional head candidates and interpretations regarding the relationship between certain public positions and candidacy requirements are examples of cases that have had a direct impact on the configuration of electoral politics. Although the Constitutional Court attempts to explain legal logic in its decisions, the public often associates its results with the surrounding political context. When the majority's arguments are deemed inconsistent or insufficiently strong, public perception of the Constitutional Court's independence is automatically weakened. The independence of decisions is closely related to the judges' ability to apply methods of constitutional interpretation honestly and scientifically. In the constitutional law tradition, several methods of interpretation exist, including grammatical, historical, systematic, teleological, and progressive interpretation. Joseph Raz (1979) emphasized that the rule of law requires interpretation to be conducted rationally, predictably, and consistently. However, in practice, constitutional judges face more complex situations. When constitutional norms are general or ambiguous, the scope for interpretation is broad, thus increasing the potential for political considerations to enter the interpretation process.

Another example is when the Constitutional Court ruled on a case concerning the open-closed proportional representation system. This issue has significant political implications as it directly relates to the chances of certain parties in legislative elections. In this ruling, the Constitutional Court argued that the right to vote and be elected is part of the principle of popular sovereignty. However, the justices' differing opinions demonstrate interpretive tensions and differing views on how constitutional justice should be applied. These differences are not necessarily negative, but they demonstrate the complex relationship between law and politics.

Furthermore, the Constitutional Court's position within Indonesia's constitutional structure also determines how constitutional justice can be realized. The mechanism for selecting constitutional judges, which involves the three branches of government: the President, the House of Representatives, and the Supreme Court, is theoretically intended to create checks and balances. However, in practice, this mechanism can also create potential conflicts of interest. Judges appointed by certain political institutions are often perceived by the public as having particular political affiliations. While this assumption is not always correct, public perception remains a crucial factor in maintaining the Constitutional Court's authority. Bruce Ackerman (1991) stated that the legitimacy of a constitutional court institution is determined not only by formal legality but also by public perception of its integrity and objectivity. Furthermore, the Constitutional Court itself faces internal challenges. Several cases of ethical violations involving constitutional judges have raised public questions about the institution's ability to maintain high ethical standards. While the Judicial Commission lacks the authority to supervise Constitutional Court judges, ethical oversight is conducted through the Constitutional Court's Ethics Council. This mechanism demonstrates the Constitutional Court's independence, but also opens up room for criticism regarding its effectiveness. When ethical violations occur, public trust in the independence of decisions is affected, even if the content of the decisions is actually built through legal argumentation.

Beyond ethical issues, consistency in decisions is a crucial aspect in maintaining constitutional justice. Consistency does not mean there are no changes in opinion, but these changes must be adequately explained through transparent legal argumentation. In some decisions, changes in argumentation from previous decisions without adequate explanation can give the impression that

judges are influenced by a particular political context. For example, in certain cases concerning term limits or the design of public official elections, the Constitutional Court's argumentation has changed from its previous decision. When these changes are not accompanied by strong reasoning, questions arise about the sustainability of the principle of constitutional justice.

Constitutional justice is also linked to the protection of citizens' rights. Constitutional Court decisions concerning voting rights, citizen equality, and minority protection are important indicators of a healthy democracy. However, when issues of citizens' rights intersect with electoral politics, the potential for conflicting interpretations increases. At this point, the Constitutional Court's role is crucial in determining whether the principle of constitutional justice can be upheld. A decision that prioritizes the universality of human rights will strengthen democracy, while a decision constructed on the basis of political compromise will weaken the Constitutional Court's authority.

Understanding these dynamics demonstrates that constitutional justice rests not only on the text of the constitution but also on the integrity of the legal reasoning of constitutional judges. Strong legal reasoning, built through logic, consistency, and transparency, is a key bulwark against political pressure. Without sound reasoning, the Constitutional Court is easily perceived as an institution vulnerable to political intervention, even though this is not the case. Therefore, strengthening the analytical capacity of judges, increasing the transparency of deliberations, and strengthening ethical mechanisms are crucial steps to maintain the Constitutional Court's independence. Furthermore, the academic community also plays a crucial role in monitoring and critiquing the Constitutional Court's decisions. Constructive academic criticism can provide input to maintain the quality of decisions and encourage consistent application of the principles of constitutional justice. Through healthy academic discourse, the Constitutional Court can improve itself and strengthen its authority as the final bastion of constitutional justice. Therefore, discussions on constitutional justice and the independence of Constitutional Court decisions demonstrate that the integrity of judges' legal reasoning is a key factor in maintaining the quality of constitutional decisions. Despite unavoidable political dynamics, the Constitutional Court must continue to prioritize the Constitution. Objective, consistent, and transparent legal reasoning is the key to the Constitution's ability to fulfill its role as the guardian of constitutional justice in a democratic state.

2. Legal Reasoning of Constitutional Judges in Politically Influenced Decisions

Legal reasoning is at the heart of every Constitutional Court decision. The strength or weakness of a decision is measured not only by the final outcome, but primarily by the arguments underlying the decision. In cases with political implications, the legal reasoning of constitutional judges becomes even more crucial, as they must demonstrate that their decisions are truly based on the principles of constitutional justice, not on pragmatic political considerations. This section discusses how the legal reasoning of Constitutional Court judges operates in politically charged cases, the factors that influence it, and the extent to which the quality of legal arguments maintains constitutional integrity amidst political pressure. In the constitutional court tradition, judges have the freedom to interpret the constitution through various interpretative methods. These interpretations typically encompass grammatical, historical, systematic, teleological, sociological, and progressive interpretations. According to Jimly Asshiddiqie (2006), the use of interpretative methods is a crucial instrument for ensuring that the constitution remains alive and relevant to societal developments. However, in cases with strong political dimensions, the choice of interpretative approach can be a key indicator of the judge's stance on a particular issue. Therefore, transparency in explaining interpretative methods is a fundamental element in maintaining the objectivity of decisions.

For example, in several decisions concerning the design of electoral systems, the Constitutional Court's majority often uses a teleological approach, emphasizing the constitution's goal of realizing democratic, honest, and fair elections. However, this teleological approach is often criticized by some dissenting judges for opening too much room for political considerations. This is where the choice of

interpretative method becomes apparent, crucial to the direction of a decision. Ran Hirschl (2004) cautions that when constitutional interpretation is conducted in an intense political context, judges must be extremely careful not to overstep constitutionally acceptable boundaries. In other cases, such as the review of norms concerning the requirements for candidacy for public office, a systematic interpretation approach is often used to examine the interrelationships between articles in the 1945 Constitution. This method is theoretically safer because it seeks to maintain the internal consistency of the constitution. However, in electoral politics, systematic interpretation can also lead to decisions that the public perceives as "favoring" certain parties. For example, in a case concerning the age limit for regional head candidates, the Constitutional Court's reasoning used a systematic approach to link age norms to the need for leadership qualities. Normatively this is legitimate, but criticism arises when the public considers that the socio-political context of the case suggests that the decision has very specific political implications.

Legal arguments in Constitutional Court decisions often demonstrate the interplay between universal constitutional principles and short-term political interests. Joseph Raz (1979) emphasized that sound legal arguments must adhere to the principles of consistency and predictability. However, in reality, several Constitutional Court decisions related to elections have shown changes in argumentation from previous decisions, giving the impression of inconsistency. For example, the Constitutional Court once changed its view on the presidential threshold without providing a detailed explanation of the reasons for the change. This has been a source of academic criticism, as changes in interpretation should be explained openly to maintain legal legitimacy.

Furthermore, the role of dissenting opinions is often an important indicator of the quality of legal reasoning. In several strategic decisions, dissenting opinions illustrate the existence of alternative reasoning that better aligns with the principles of constitutional justice. Dissenting opinions also demonstrate that Constitutional Court judges are not homogeneous in their thinking, and this is important for maintaining a diversity of perspectives in constitutional interpretation. Mahfud MD (2010) believes that dissenting opinions are part of a healthy dynamic within the judiciary because they demonstrate that judges' deliberations proceed critically and are not dominated by a single political view.

However, the existence of dissenting opinions often provides a gateway for public criticism when the majority's arguments are deemed weak. In some cases, dissenting opinions are actually stronger in explaining constitutional principles and are more logically consistent. When this occurs, the public often doubts the objectivity of the majority's decision. Therefore, it is crucial for constitutional justices in the majority to develop a truly compelling argument so that the decision remains sound despite dissenting opinions. Transparency in the formulation of legal arguments is crucial in a political context. Bruce Ackerman (1991) emphasized that the legitimacy of constitutional institutions can only be maintained if there is sufficient transparency regarding how decisions are reached. This transparency concerns not only the publication of decisions but also the legal logic underlying them. If legal reasoning is clearly presented, the public can understand why the decision was made, even if they may not like the outcome. Such transparency can strengthen public trust in the Constitutional Court.

In some decisions with political implications, the Constitutional Court sometimes uses sociological considerations to strengthen legal arguments. This approach is used, for example, in cases concerning the implementation of elections in certain regions or in cases concerning the inequality of regional development. Sociological considerations can be a valid basis for constitutional decisions, but they must remain within a clear legal framework. If sociological considerations are too dominant, the decision may be considered more of a political decision than a legal one.

One of the greatest challenges in legal reasoning is maintaining a balance between progressive interpretation and the textual constraints of the constitution. Jimly Asshiddiqie (2006) emphasized that the constitution is a living document that must be interpreted in accordance with current developments. However, progressive interpretation does not mean that judges can ignore existing normative

constraints. In politically charged cases, the temptation to use progressive interpretation without a strong normative basis can raise questions about the judge's objectivity. Therefore, careful balancing of these two aspects is essential. Another factor influencing legal reasoning is the institutional context of the Constitutional Court itself. The Constitutional Court's internal structure, the judges' deliberation mechanisms, and the relationship between the chief justice and the judges can influence the quality of legal argumentation. Although judicial deliberation is private, numerous academic studies have shown that the internal dynamics of the institution often influence how judges construct their arguments. If deliberation is unbalanced or if certain parties dominate, legal argumentation can be less analytically rich.

Furthermore, external factors such as public pressure, media perception, and national political dynamics also have the potential to influence the construction of legal arguments. While judges are ideally immune to such pressures, political realities sometimes present situations that require judges to be more careful in formulating decisions. Public pressure sometimes encourages judges to strengthen aspects of social legitimacy in legal arguments, while political pressure may lead judges to strengthen normative arguments to demonstrate independence. Overall, the legal reasoning of Constitutional Court judges in politically charged cases is a complex process influenced by normative, theoretical, institutional, and political contextual factors. The strength of legal arguments is a primary measure of whether the Constitutional Court is able to maintain its constitutional authority. Consistent, rational, and transparent legal reasoning will instill public confidence that the Constitutional Court is truly carrying out its function as a guardian of constitutional justice. Conversely, weak or inconsistent legal arguments will reinforce the perception that the Constitutional Court's decisions are susceptible to political influence. Therefore, improving the quality of legal reasoning is not merely a matter of legal technique but also part of strengthening constitutional democracy itself. The Constitutional Court must continue to build a strong tradition of legal argumentation so that every decision, especially those with political overtones, remains based on the principles of constitutional justice and is able to withstand public criticism and political pressure.

CONCLUSION

Constitutional justice can only be achieved if the Constitutional Court is able to maintain the integrity of its legal reasoning amidst ever-evolving political dynamics. The discussion above demonstrates that the relationship between law and politics in Constitutional Court decisions cannot be completely separated, particularly when the cases being decided have electoral implications or relate to the state's power structure. However, the presence of political pressure does not necessarily eliminate the independence of decisions, as long as the legal arguments presented by judges remain consistent, transparent, and grounded in constitutional principles.

Research shows that the method of interpretation, the use of normative considerations, and the quality of reasoning are crucial factors in determining whether a decision upholds constitutional justice. Inconsistencies or changes in argumentation without sufficient justification can undermine the institution's legitimacy, while robust legal construction actually strengthens public trust. Therefore, strengthening the capacity of judges, ethical reform, and increasing the transparency of deliberations are crucial steps to ensure the Constitutional Court remains a primary bulwark of constitutionalism. Constitutional justice stems not only from the wording of a decision, but also from the quality of the legal reasoning underlying it. The Constitutional Court must maintain this role to remain the guardian of the integrity and morality of the constitution.

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