

The Constitutional Court's Systematic, Structural, and Teleological Interpretation of the Judicial Commission's Authority and Its Implications for Judicial Independence

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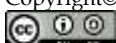
Abstract

Post-amendment constitutional reform of the 1945 Constitution introduced the Judicial Commission as an independent state institution tasked with safeguarding the honor and integrity of judges. While prior studies have examined the institutional relationship between the Judicial Commission and the Supreme Court, limited attention has been given to the patterns of legal interpretation employed by the Constitutional Court in defining the Commission's authority and their implications for the design of judicial power; this article therefore offers novelty by employing a systematic, structural, and teleological interpretative approach. This article aims to analyze the constitutional construction of the Judicial Commission's authority from the perspective of state institutional theory and to examine the Constitutional Court's interpretation in Decision No. 005/PUU-IV/2006, Decision No. 43/PUU-XIII/2015, and Decision No. 92/PUU-XVIII/2020, along with its implications for judicial independence. This study employs normative legal research using statutory, conceptual, and case approaches, analyzed through qualitative descriptive methods. The findings indicate that the Judicial Commission's authority under Article 24B of the Constitution constitutes a constitutional mechanism to safeguard judicial integrity through ethical oversight and participation in the nomination of Supreme Court justices as part of a checks and balances system. Furthermore, the Constitutional Court consistently interprets this authority through systematic, structural, and teleological approaches by positioning judicial independence as the primary parameter, thereby constructing a complementary institutional relationship between the Judicial Commission and the Supreme Court in maintaining the balance between independence and accountability.

Keywords: Constitutional Court, Judicial Commission, Judicial power, Legal interpretation

Abstrak

Reformasi konstitusi pasca-amandemen UUD 1945 memperkenalkan Komisi Yudisial sebagai lembaga negara independen yang berfungsi menjaga kehormatan dan integritas hakim. Meskipun sejumlah kajian telah membahas relasi kelembagaan Komisi Yudisial dan Mahkamah Agung, penelitian yang secara khusus menganalisis pola interpretasi hukum Mahkamah Konstitusi terhadap kewenangan Komisi Yudisial serta implikasinya terhadap desain kekuasaan kehakiman masih terbatas, sehingga artikel ini menawarkan kebaruan melalui analisis berbasis pendekatan interpretatif yang sistematis, struktural, dan teleologis. Artikel ini bertujuan untuk menganalisis konstruksi kewenangan Komisi Yudisial dalam Konstitusi Indonesia dari perspektif teori kelembagaan negara serta menelaah interpretasi hukum Mahkamah Konstitusi dalam Putusan Nomor 005/PUU-IV/2006, Putusan Nomor 43/PUU-XIII/2015, dan Putusan Nomor 92/PUU-XVIII/2020 beserta implikasinya terhadap independensi peradilan. Penelitian ini merupakan penelitian hukum normatif dengan



pendekatan perundang-undangan, konseptual, dan kasus yang dianalisis secara deskriptif-kualitatif. Hasil penelitian menunjukkan bahwa kewenangan Komisi Yudisial dalam Pasal 24B UUD 1945 merupakan instrumen konstitusional untuk menjaga integritas hakim melalui pengawasan etik dan partisipasi dalam pengusulan hakim agung sebagai bagian dari mekanisme *checks and balances*. Selanjutnya, Mahkamah Konstitusi secara konsisten menafsirkan kewenangan tersebut secara sistematis, struktural, dan teleologis dengan menempatkan independensi peradilan sebagai parameter utama, sehingga membentuk relasi kelembagaan yang komplementer antara Komisi Yudisial dan Mahkamah Agung dalam menjaga keseimbangan antara independensi dan akuntabilitas peradilan.

Kata Kunci: Interpretasi hukum, Komisi Yudisial, Mahkamah Konstitusi, Kekuasaan kehakiman.

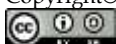
Introduction

The constitutional reform in Indonesia following the amendments to the 1945 Constitution of the Republic of Indonesia (UUD 1945) brought about fundamental changes to the design of judicial power, particularly in strengthening judicial independence while ensuring the existence of accountability mechanisms for judicial conduct. In this context, the constitution-makers introduced the Judicial Commission (Komisi Yudisial, hereinafter "JC") as a new state institution regulated under Article 24B of the Constitution. The establishment of the JC cannot be separated from the historical conditions prior to the reform era, during which the judiciary faced a crisis of public trust due to judicial corruption, weak oversight mechanisms, and political interference (Isra, 2020). Consequently, constitutional reform was directed toward building a judicial system that is not only independent but also accountable and imbued with integrity (Kurniawan & Ramadhani, 2023; Baihaki, Fathudin, & Kharlie, 2020).

Within this framework, the JC was designed as an independent state institution tasked with safeguarding judicial integrity through ethical oversight. The existence of the JC reflects the evolution of modern state institutional theory, which no longer confines the structure of state power to the classical tripartite model but accommodates independent bodies as oversight institutions requiring a high degree of autonomy from political power (Ackerman, 2000). In the context of judicial power, this model aligns with practices in various jurisdictions through the establishment of judicial councils aimed at maintaining judicial integrity without undermining judicial independence (Cappelletti, 1971).

Nevertheless, since its inception, the JC has been subject to constitutional debates, particularly regarding the limits of its authority within the judicial system. This issue arises from the relatively concise and open-ended formulation of Article 24B of the UUD 1945, especially concerning the phrase "other powers" related to maintaining judicial honor and conduct. This normative ambiguity has led to institutional conflicts between the JC and the Supreme Court, which were subsequently brought before the Constitutional Court (Mahkamah Konstitusi, hereinafter "CC") through judicial review proceedings.

Since its establishment, the CC has adjudicated several cases concerning the authority of the JC, including Decision No. 005/PUU-IV/2006, Decision No. 43/PUU-XIII/2015, and Decision No. 92/PUU-XVIII/2020. These decisions are significant as they provide constitutional interpretation regarding the scope of the JC's authority within the Indonesian judicial system. Decision No. 005/PUU-IV/2006 represents an early ruling that significantly restricted the JC's authority, particularly in relation to oversight over constitutional justices. The Court held that constitutional justices operate within a distinct institutional regime separate from judges under the SC, and therefore fall outside the supervisory jurisdiction of



the JC. This decision reflects a restrictive interpretative approach aimed at preserving institutional balance and judicial independence.

Subsequently, in Decision No. 43/PUU-XIII/2015, the CC reaffirmed the limits of the JC's authority by holding that its involvement in the recruitment process of first-instance judges is inconsistent with the Constitution. The Court reasoned that judicial recruitment constitutes an internal function of the SC as the primary holder of judicial power and should not be subject to intervention by external institutions.

Further development of constitutional interpretation concerning the JC's authority can be observed in Decision No. 92/PUU-XVIII/2020. In this decision, the CC affirmed that the JC's authority to propose the appointment of Supreme Court justices is a constitutional power directly derived from Article 24B of the Constitution. However, such authority must be interpreted within constitutional limits and cannot be excessively expanded through statutory regulation. These decisions collectively demonstrate that the CC plays a strategic role in shaping the constitutional construction of the JC's authority. Through its judicial review function, the Court not only acts as the guardian of the Constitution but also as a key actor in directing the development of constitutional law through the interpretation of fundamental norms (Barak, 2006).

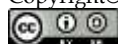
From the perspective of legal interpretation theory, constitutional interpretation is not merely a textual exercise but a hermeneutic process that involves understanding the structure of legal norms, their underlying purposes, and the fundamental values of the constitutional system (Bobbitt, 1991). Therefore, analyzing the CC's decisions on the JC's authority is essential not only to determine the limits of institutional power but also to identify the interpretative patterns employed by the Court.

Legal interpretation also constitutes a fundamental aspect of legal discovery, particularly when existing norms are unclear or insufficient for application in concrete cases. In certain circumstances, judges are confronted with legal gaps or ambiguities that must be resolved through interpretation, as they are prohibited from refusing to adjudicate cases on the grounds of the absence or incompleteness of law. Accordingly, interpretation serves as a primary method for understanding legal texts and applying them in practice (Khalid, 2014).

This article is based on the assumption that the choice of interpretative methods employed by the CC in its legal reasoning (*ratio decidendi*) significantly influences the outcomes of its decisions as reflected in their operative provisions (*dictum*). Therefore, the appropriate use of interpretative methods constitutes a crucial factor in determining the quality of judicial decisions and may serve as an important indicator in evaluating judicial reasoning (Haryono, 2021).

Furthermore, legal interpretation concerning the authority of the JC has significant implications for the principle of judicial independence. In modern rule-of-law theory, judicial independence is a fundamental prerequisite for the realization of justice and the protection of human rights (Shetreet & Forsyth, 2011). However, independence cannot be understood as absolute freedom devoid of accountability. Rather, both principles must be balanced to ensure the effective functioning of judicial power.

In this regard, the CC's interpretation of the JC's authority directly affects the balance between judicial independence and accountability. An overly restrictive interpretation may weaken oversight mechanisms over judicial conduct, whereas an excessively expansive interpretation may risk interfering with judicial independence. Therefore, examining the Court's decisions is essential to understand how this balance is constructed within the constitutional framework.



Although a number of studies have examined the institutional relationship between the JC and the SC, research specifically focusing on the patterns of legal interpretation employed by the CC in defining the JC's authority remains relatively limited. Most studies tend to emphasize institutional conflicts or the political dynamics of judicial reform, without sufficiently addressing the methods and rationality underlying the Court's interpretative approach. Moreover, comprehensive analyses linking interpretative patterns with their implications for the institutional design of judicial power—particularly in comparative perspective with other jurisdictions such as France—are still scarce. This article seeks to fill this gap by systematically analyzing the interpretative patterns of the CC while situating them within a comparative framework.

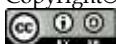
Based on the foregoing, this article aims to analyze the constitutional construction of the JC's authority within the Indonesian legal system and to examine how the CC interprets such authority in its decisions. By employing the theories of state institutions, judicial independence, and legal interpretation, this study seeks to contribute to the academic discourse on the institutional dynamics among the JC, the SC, and the CC within a democratic rule-of-law framework. Accordingly, the research questions addressed in this article are: first, how is the authority of the JC constructed within the Indonesian Constitution from the perspective of state institutional theory; and second, how does the CC interpret the authority of the JC in Decisions No. 005/PUU-IV/2006, No. 43/PUU-XIII/2015, and No. 92/PUU-XVIII/2020, and what are the implications for judicial independence.

Method Research

This study employs normative legal research, which conceptualizes law as an autonomous system of norms. The research adopts statutory, conceptual, and case approaches. The data used in this study consist of secondary data, commonly referred to as legal materials, which include primary, secondary, and tertiary sources. Primary legal materials comprise the 1945 Constitution, relevant legislation, and Constitutional Court decisions, particularly Decision No. 005/PUU-IV/2006, Decision No. 43/PUU-XIII/2015, and Decision No. 92/PUU-XVIII/2020. Secondary legal materials consist of legal literature, including textbooks, scholarly journal articles, and relevant research findings, while tertiary materials are utilized to support conceptual understanding. Legal materials are collected through library research by examining various legal sources in both printed and electronic forms.

In analyzing the Constitutional Court's decisions, this study employs an analytical framework focusing on the examination of the Court's legal reasoning (*ratio decidendi*) in each decision. The analysis is conducted by identifying the interpretative methods employed by the Court and examining how these methods are used to delineate the scope of the Judicial Commission's authority. In addition, the study evaluates the consistency of interpretative patterns across decisions and their implications for the institutional design of judicial power. The interpretative approach adopted in this research is normative-analytical, drawing upon relevant theories of legal interpretation to assess the rationality of the Court's reasoning in interpreting provisions of the 1945 Constitution, as well as to examine the extent to which the interpretative methods applied align with fundamental constitutional principles, particularly judicial independence. All collected legal materials are subsequently analyzed using qualitative methods, producing descriptive-analytical findings that emphasize depth of interpretation and the quality of legal argumentation (Salim & Nurbani, 2014).

Results and Discussion



a. The Constitutional Construction of the Judicial Commission's Authority in Indonesia from the Perspective of State Institutional Theory

The amendments to the 1945 Constitution during the period 1999–2002 brought about a fundamental transformation in the institutional design of the state, particularly in the domain of judicial power. One of the significant outcomes of this constitutional reform was the establishment of the JC as a new state institution entrusted with the function of safeguarding the honor and integrity of judges. The creation of the JC marked a new development in Indonesia's constitutional system, as for the first time, oversight of judicial conduct was constitutionally institutionalized through an independent body.

This development aligns with a broader global trend in constitutional democracies, where judicial accountability mechanisms are increasingly institutionalized to complement judicial independence. As argued by Garoupa and Ginsburg (2009) in "The Comparative Law and Economics of Judicial Councils", the emergence of judicial councils and similar bodies reflects a systemic effort to enhance accountability without undermining judicial autonomy. Thus, modern judicial systems require institutional innovations to maintain legitimacy in the face of increasing public scrutiny.

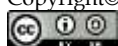
Constitutionally, the position and authority of the JC are regulated under Article 24B(1) of the 1945 Constitution, which provides that the JC is an independent institution authorized to propose the appointment of Supreme Court justices and to exercise other powers in order to maintain and uphold the honor, dignity, and conduct of judges. This constitutional formulation indicates that the JC possesses two primary functions: participation in the appointment process of Supreme Court justices and ethical oversight of judges. These functions should not be understood merely as administrative powers but rather as integral components of the institutional design of judicial power aimed at preserving judicial integrity within a democratic rule-of-law state.

From a comparative constitutional perspective, such dual functions are often associated with hybrid oversight models, where institutions simultaneously contribute to judicial selection and disciplinary control. According to Voigt (2016), the combination of appointment and oversight functions within a single institution can strengthen coherence in judicial governance, provided that safeguards against political capture are adequately maintained.

From the perspective of state institutional theory, the existence of the JC reflects the evolution of modern state institutional models, which are no longer confined to the classical tripartite division of powers as articulated in the theory of *trias politica*. Montesquieu in *De l'esprit des lois*, emphasized the importance of separating legislative, executive, and judicial powers to prevent the concentration of authority in a single entity (Polamolo, 2013). However, in contemporary constitutional developments, the structure of state institutions is no longer rigidly confined to this classical conception. Instead, many modern democratic states have established independent institutions tasked with regulatory or oversight functions beyond the traditional three branches of government.

Bruce Ackerman (2000) characterizes this development as "the new separation of powers," a model in which the distribution of state authority extends beyond the classical branches to include independent institutions functioning as mechanisms of oversight over governmental power. These institutions are designed to perform specific functions that require a high degree of independence from political influence, particularly in areas such as regulation, supervision, and the enforcement of ethical standards within state institutions.

Further scholarship supports this shift toward a more complex institutional architecture. As noted by Ginsburg (2010), constitutional systems increasingly rely on "fourth



branch institutions” to enhance accountability and transparency, particularly in transitional democracies. These institutions serve as stabilizing mechanisms that mitigate the risks of democratic backsliding by introducing additional layers of oversight beyond traditional branches of power.

In the Indonesian context, the establishment of the JC represents a manifestation of this development. The JC can be understood as an independent state institution operating within the sphere of judicial power, yet not exercising judicial functions directly. Its primary role is to safeguard judicial integrity through ethical oversight mechanisms and to participate in the process of proposing candidates for Supreme Court justices. Accordingly, the JC is not intended to function as a judicial body but rather as a supporting institution designed to strengthen the integrity of judicial power.

Zainal Arifin Mochtar (2022) explains that independent state institutions are generally established to perform specific functions that require a high degree of autonomy from political power. Such institutions typically possess key characteristics, including institutional independence, specific authority granted by the constitution or statute, and oversight or regulatory functions aimed at preserving the integrity of the governance system. Within this framework, the JC can be conceptualized as an independent institution tasked with maintaining the integrity of the judiciary through oversight of judicial conduct.

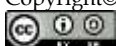
The existence of the JC must also be understood within the historical context of judicial reform in Indonesia. Prior to constitutional reform, the judicial system faced serious challenges, particularly related to the low integrity of judicial institutions and weak mechanisms for supervising judicial conduct. Practices of judicial corruption and the phenomenon commonly referred to as the “judicial mafia” had long contributed to a crisis of public trust in the judiciary (Isra, 2020). In such circumstances, internal oversight mechanisms conducted by the Supreme Court were deemed insufficient to ensure adequate judicial accountability.

Empirical studies on judicial corruption in transitional democracies reinforce this observation. Buscaglia (2001) demonstrates that weak internal accountability mechanisms are often correlated with higher levels of judicial corruption, thereby necessitating the establishment of independent oversight bodies. Similarly, Dakolias (1999) emphasizes that institutional reforms aimed at improving judicial integrity must combine structural independence with enforceable accountability mechanisms.

Constitutional reform therefore introduced the JC as an external oversight institution expected to strengthen accountability mechanisms within the judicial system. The establishment of this body reflects the recognition that judicial independence must be accompanied by effective oversight mechanisms to prevent the judiciary from evolving into an unchecked power. In modern rule-of-law theory, judicial independence is indeed a fundamental prerequisite for the administration of justice. However, such independence must not be construed as absolute freedom devoid of accountability.

One of the central challenges in modern judicial systems is maintaining a balance between judicial independence and judicial accountability (Shetreet & Forsyth, 2011). Independence is necessary to protect judges from political pressures in adjudicating cases, while accountability is essential to prevent the abuse of judicial power. In this regard, the existence of an external oversight body such as the JC becomes a crucial instrument in maintaining the balance between these two principles.

Institutionally, the JC occupies a unique position within the Indonesian constitutional system. It does not belong directly to the legislative, executive, or judicial branches, yet it is closely associated with judicial power. This unique positioning indicates that the JC functions



as an auxiliary state organ that supports the judiciary by strengthening its integrity without exercising judicial authority itself.

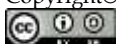
It should be emphasized that in modern constitutional systems, various state institutions function as supporting bodies for the primary branches of government. These institutions are established to perform functions that cannot be effectively carried out by the primary institutions, such as oversight, regulation, or the enforcement of ethical standards. Within this framework, the JC can be understood as a supporting institution of the judiciary tasked with maintaining the integrity of judges as the principal actors of judicial functions.

In addition to its function of ethical oversight, the JC also possesses constitutional authority in the process of proposing the appointment of Supreme Court justices. This authority represents one of the most strategic aspects of the JC's role within Indonesia's judicial system. Through this function, the JC conducts the selection and evaluation of candidates for Supreme Court justices before submitting them to the House of Representatives for approval. From the perspective of the theory of state authority, this power can be categorized as an attributed authority, as it is directly conferred by the Constitution through Article 24B. In administrative law theory, attributed authority refers to powers that originate directly from the constitution or statute and do not depend on delegation from other institutions. Accordingly, the JC's authority to propose Supreme Court justices possesses strong constitutional legitimacy.

The involvement of the JC in the appointment process of Supreme Court justices also reflects the operation of checks and balances in filling strategic judicial positions. The appointment process does not rest with a single institution but involves multiple state organs: the JC as the nominating body, the House of Representatives as the approving authority, and the President as the appointing authority. This model demonstrates that the Indonesian Constitution deliberately designs the selection of Supreme Court justices through a distribution of authority among state institutions. Such distribution of authority serves an important function in a constitutional democracy, namely preventing the concentration of power in the process of judicial appointments. If the appointment process were entirely controlled by the judiciary itself, there would be a risk of patronage or nepotism. Conversely, if it were entirely controlled by political institutions, there would be a risk of political interference with judicial independence. Therefore, the involvement of the JC in the selection process is intended to ensure that the process remains oriented toward the integrity and professionalism of judicial candidates.

From the perspective of state institutional theory, this design reflects an effort to balance judicial independence with public accountability. The JC evaluates the integrity and ethical track record of candidates, while political institutions provide democratic legitimacy through the approval process. Consequently, the appointment of Supreme Court justices takes into account not only professional competence but also public legitimacy. Although the institutional design of the JC is conceptually intended to strengthen the balance between judicial independence and accountability, in practice this model has not been free from criticism. One of the main concerns lies in the potential fragmentation of supervisory authority, which may generate institutional tensions between the JC and the Supreme Court, particularly in delineating the boundary between ethical oversight and judicial technical matters. Furthermore, external oversight models such as that adopted in Indonesia are often questioned due to their potential to interfere with judicial independence if the scope of authority is not clearly defined.

In contrast, countries such as the Netherlands adopt an internal judicial governance model through *the Raad voor de rechtspraak* (Council for the Judiciary), which is responsible for



court administration while also ensuring accountability without separating oversight functions into an external body. This model demonstrates that integrating supervisory functions within the judicial structure may reduce institutional conflicts, although it still raises concerns regarding independence from executive influence. Therefore, this comparison highlights that the institutional design of the JC in Indonesia continues to face a fundamental dilemma between the effectiveness of oversight and the risk of encroaching upon judicial independence, necessitating a more precise constitutional delineation of its authority.

The existence of the JC as an independent state institution further demonstrates that the Indonesian Constitution adopts a more complex institutional approach in structuring state power. The Constitution does not merely regulate the division of power among primary institutions but also establishes supporting institutions to ensure that governance operates in an accountable and transparent manner.

Thus, the constitutional construction of the JC's authority in Indonesia represents an integral part of the institutional design aimed at strengthening the integrity of judicial power. The JC is not intended to replace the Supreme Court as the principal actor of judicial authority but rather to complement judicial oversight mechanisms through ethical supervision and participation in the appointment process of Supreme Court justices.

Within the framework of state institutional theory, the existence of the JC demonstrates that judicial independence cannot be separated from the need for effective accountability mechanisms. Accordingly, the construction of the JC's authority in the Indonesian Constitution must be understood as a constitutional effort to maintain a balance between judicial independence and public accountability within a democratic rule-of-law system.

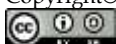
b. Legal Interpretation of the Constitutional Court on the Authority of the Judicial Commission and Its Implications for Judicial Independence

The constitutional interpretation of the JC authority constitutes a significant issue in the development of Indonesian constitutional law in the post-reform era. This is primarily due to the fact that the formulation of the JC's authority under Article 24B of the 1945 Constitution is relatively concise and open to multiple interpretations. In such circumstances, the CC, as the guardian of the Constitution, plays a crucial role in providing constitutional meaning to this provision through its judicial review decisions. Through constitutional interpretation, the CC not only determines the limits of the JC's authority but also shapes the trajectory of the institutional design of judicial power in Indonesia.

In constitutional law scholarship, the interpretation of legal texts—including constitutions—is inevitable, as the ideas and principles embodied in such texts are inherently tied to specific temporal and contextual conditions. The need for interpretation arises because the Constitution does not contain all the normative provisions required to regulate the complexities of state governance (Lailam, 2014).

In legal theory, interpretation is understood as an intellectual process aimed at discovering the meaning of a legal norm that is not entirely clear or that requires contextual adaptation. Constitutional interpretation, in particular, differs from ordinary legal interpretation because constitutional norms are fundamental, abstract, and open-ended. Consequently, constitutional courts often employ various methods of interpretation—such as textual, systematic, historical, teleological, and structural approaches—to comprehensively understand constitutional meaning (Bobbitt, 1991).

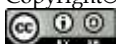
Aharon Barak (2006) conceptualizes legal interpretation as a hermeneutic process aimed at identifying the meaning of constitutional norms within the framework of the



fundamental values underlying a constitutional system. In this process, constitutional judges do not merely read the text literally but also consider the structure of the Constitution, the purpose behind the norms, and the values that the Constitution seeks to protect. Thus, constitutional interpretation represents an integrative process connecting text, context, and normative purpose.

According to Jimly Asshiddiqie, there are at least twenty-three distinct theories or methods of legal interpretation, which can be differentiated as follows (Mustakim & Dirgantara, 2021):

1. Literal Interpretation Method (*Letterlijk*). This method emphasizes the meaning of individual words.
2. Grammatical (Linguistic) Interpretation. This method focuses on interpreting legal texts based on ordinary language usage or established technical-juridical meanings.
3. Restrictive Interpretation. This method limits interpretation by adhering strictly to the definite meaning of words.
4. Extensive Interpretation. In contrast to restrictive interpretation, this method expands the meaning of legal norms beyond their technical or grammatical formulation.
5. Authentic Interpretation. This method relies on interpretations explicitly provided by the legislator, either within the statutory provision itself or in its explanatory section.
6. Systematic or Logical Interpretation. This method interprets a legal rule as part of the broader legal system by relating it to other provisions.
7. Historical Interpretation (Legislative History). This method is based on the historical meaning embedded in the formulation of legislation, focusing on the background and debates surrounding its enactment.
8. Broad Historical Interpretation. Unlike the narrower legislative history approach, this method examines the broader history of law, including its relationship with past societal contexts.
9. Socio-Historical Interpretation. This method considers the socio-historical context influencing the formation of legal norms, incorporating insights from disciplines such as sociology, economics, and politics.
10. Sociological Interpretation. This method links legal interpretation to social realities and societal developments that influence the formation and application of legal norms.
11. Teleological Interpretation. This method focuses on the purpose and objectives of legal norms, adapting their application to evolving social conditions.
12. Holistic Interpretation. This method seeks to uncover the relationship between a legal text and the overall spirit or underlying philosophy of the legal system.
13. Thematic-Systematic Interpretation. This method interprets legal texts systematically based on their structure or thematic organization.
14. Anticipatory or Futuristic Interpretation. This method is oriented toward *ius constituendum* rather than *ius constitutum*, allowing judges to interpret existing norms in light of future legal developments.
15. Evolutionary-Dynamic Interpretation. This method emphasizes that the meaning of legal norms should evolve in response to societal developments following their enactment.
16. Comparative Interpretation. This method involves interpreting legal norms by comparing them with other legal systems or rules.
17. Philosophical Interpretation. This method explores the deeper philosophical values underlying legal norms.

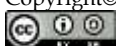


18. **Interdisciplinary Interpretation.** This method employs insights from multiple disciplines—both within and outside legal studies—to interpret legal norms from a broader perspective.
19. **Multidisciplinary Interpretation.** Unlike interdisciplinary interpretation, this method may rely on a specific discipline outside law when necessary, rather than integrating multiple disciplines.
20. **Creative Interpretation.** This method seeks to uncover the intent of the author or the underlying meaning within a text, including those expressed in cultural practices or everyday communication.
21. **Artistic Interpretation.** This method recognizes the complexity of understanding the author's intent and attempts to identify various layers of consciousness influencing the creation of a text.
22. **Constructive Interpretation.** According to Ronald Dworkin, this method involves three stages: (1) the pre-interpretive stage, identifying the rules and standards that define a practice; (2) the interpretive stage, justifying the core elements of the practice; and (3) the post-interpretive stage, refining or adjusting the interpretation to best represent the practice.
23. **Conversational Interpretation.** This method focuses on meaning derived from communicative intent, interpreting statements based on the speaker's motives and intended meaning.

In the context of the JC's authority, the Constitutional Court has repeatedly interpreted Article 24B of the 1945 Constitution through several landmark decisions. Among the most significant are Decision No. 005/PUU-IV/2006, Decision No. 43/PUU-XIII/2015, and Decision No. 92/PUU-XVIII/2020. These decisions collectively illustrate how the Court has interpreted the scope of the JC's authority within the broader framework of Indonesia's judicial system. Decision No. 005/PUU-IV/2006 represents an early ruling with substantial impact on the construction of the JC's authority. The case examined the constitutionality of statutory provisions granting the JC authority to oversee all judges, including constitutional justices. In its ruling, the Court held that the JC's authority does not extend to constitutional justices, as they belong to a distinct institutional regime separate from judges under the Supreme Court.

From the perspective of legal interpretation theory, this decision demonstrates the Court's use of systematic and structural interpretation. The Court did not interpret Article 24B in isolation but rather in conjunction with Article 24 of the Constitution, which governs judicial power. Through this systematic approach, the Court concluded that the JC operates within the judicial framework associated with the Supreme Court and its subordinate courts, thereby excluding constitutional justices from its supervisory jurisdiction. Additionally, the Court employed structural interpretation by considering the institutional position of the Constitutional Court as co-equal with the Supreme Court within the judicial structure. Granting the JC authority over constitutional justices would potentially disrupt the institutional balance among state organs. Consequently, the Court adopted a restrictive interpretation of the JC's authority to preserve institutional equilibrium.

The evolution of constitutional interpretation regarding the JC's authority is further reflected in Decision No. 43/PUU-XIII/2015. In this case, the Court reviewed statutory provisions granting the JC authority to participate in the selection of judges within courts under the Supreme Court. The Court held that such involvement was inconsistent with the Constitution, as the recruitment of judges at the first-instance level constitutes an internal function of the judiciary. In this decision, the Court appears to have employed a teleological



approach, emphasizing the purpose and values underlying constitutional norms (Fallon, 1987). The Court interpreted Article 24B as primarily aimed at maintaining judicial integrity through ethical oversight and participation in the appointment of Supreme Court justices, rather than assuming managerial control over judicial administration.

By applying this teleological reasoning, the Court concluded that extending the JC's authority to the recruitment of first-instance judges could undermine judicial independence. Accordingly, the Court limited the scope of the JC's authority to ensure its alignment with constitutional principles. This approach reflects the Court's effort to balance the need for judicial oversight with the preservation of judicial independence.

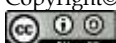
Decision No. 92/PUU-XVIII/2020 introduces a further dimension to the constitutional interpretation of the JC's authority. In this case, the Court reviewed provisions concerning the JC's authority to propose the appointment of Supreme Court justices and ad hoc judges. The Court affirmed that this authority constitutes a constitutional power directly derived from Article 24B of the Constitution.

In this decision, the Court employed both textual and teleological approaches. From a textual perspective, the Court emphasized that Article 24B explicitly grants the JC the authority to propose the appointment of Supreme Court justices, and therefore such authority cannot be eliminated or excessively restricted by statute. At the same time, the Court adopted a teleological perspective by emphasizing that this authority serves to ensure the integrity of the judiciary through a transparent and merit-based selection process.

When these three decisions are analyzed comparatively, it becomes evident that the Constitutional Court consistently employs a combination of systematic, structural, and teleological interpretation methods in construing the authority of the Judicial Commission. This interpretative pattern reflects the Court's effort to position the JC's authority within a framework that balances judicial independence with judicial accountability. From the perspective of constitutional interpretation theory, this approach corresponds to structural interpretation, in which constitutional provisions are interpreted in relation to the broader constitutional system (Bobbitt, 1991). Accordingly, the interpretation of Article 24B must take into account its relationship with Article 24, which enshrines the principle of judicial independence.

The Constitutional Court's interpretation of the JC's authority also has significant implications for judicial independence. The Court consistently emphasizes that oversight of judges must not interfere with their freedom in adjudicating cases. This principle aligns with Mauro Cappelletti's view that judicial independence is an essential element of a democratic rule-of-law state, as without such independence judges cannot perform their adjudicative functions objectively (Cappelletti, 1971). However, judicial independence cannot be understood as absolute freedom devoid of accountability. In modern rule-of-law theory, independence and accountability are complementary principles that must be balanced. Garoupa and Ginsburg (2009) argue that mechanisms of judicial oversight are necessary to maintain the legitimacy of the judiciary in the eyes of the public. Without effective oversight, judicial independence risks evolving into unchecked power.

In this context, the Court's interpretation of the JC's authority can be understood as a constitutional effort to maintain the balance between judicial independence and accountability. The Court does not abolish the authority of the JC but instead delineates its constitutional limits to prevent interference with judicial independence. Consequently, the JC retains its role as an external ethical oversight body, while the Supreme Court continues to exercise primary authority over judicial functions.



Another implication of this constitutional interpretation is the emergence of a complementary institutional relationship between the JC and the Supreme Court. The JC performs external oversight of judicial conduct, while the Supreme Court exercises internal supervision within the framework of judicial administration. This model reflects a constitutional effort to safeguard judicial integrity without compromising judicial independence.

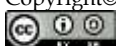
A closer examination of the three landmark decisions reveals a discernible pattern of interpretation that constitutes the core finding of this study. The CC consistently adopts a calibrated interpretative approach that combines systematic, structural, and teleological reasoning to delineate the authority of the JC. However, beyond this methodological consistency, the Court's reasoning demonstrates a substantive tendency toward what may be described as "institutional containment," whereby the scope of the JC's authority is progressively confined to ethical oversight while excluding domains considered integral to judicial administration. This interpretative pattern has produced tangible practical implications, particularly in reinforcing the dominance of the Supreme Court in judicial governance while simultaneously limiting the transformative potential of the JC as an external accountability mechanism.

From a comparative judicial reasoning perspective, this approach reflects a cautious alignment with models that prioritize judicial self-governance over external oversight, albeit without fully abandoning the Indonesian hybrid framework. While the Court maintains formal recognition of the JC's constitutional role, its restrictive interpretations – especially in Decisions No. 005/PUU-IV/2006 and No. 43/PUU-XIII/2015 – indicate a degree of asymmetry in protecting judicial independence vis-à-vis accountability. This raises questions regarding the consistency of the Court's interpretative stance, particularly when contrasted with Decision No. 92/PUU-XVIII/2020, which affirms the constitutional significance of the JC's role in judicial appointments. Consequently, the Court's jurisprudence reveals a nuanced tension between consistency in interpretative method and variability in substantive outcomes. In terms of judicial governance, this has resulted in a model characterized by strong institutional centralization within the Supreme Court, accompanied by a constitutionally constrained but symbolically significant role for the Judicial Commission in maintaining judicial integrity.

In conclusion, the analysis of the CC's decisions demonstrates that constitutional interpretation of the JC's authority extends beyond the mere delineation of institutional powers. It also shapes the broader institutional design of judicial power. Through systematic, structural, and teleological interpretation, the Court seeks to ensure that the existence of the JC remains consistent with the principle of judicial independence while simultaneously functioning as a mechanism of accountability within a democratic rule-of-law system.

Conclusion

The constitutional construction of the JC authority in Indonesia demonstrates that post-amendment constitutional reform of the 1945 Constitution was not solely aimed at strengthening judicial independence, but also at establishing a more systematic mechanism of accountability for judicial conduct. Through Article 24B of the Constitution, the JC is positioned as an independent state institution endowed with strategic functions in safeguarding judicial integrity, particularly through ethical oversight of judges and participation in the process of proposing candidates for Supreme Court justices. From the perspective of state institutional theory, this constitutional design reflects the evolution of modern institutional models that incorporate independent bodies as mechanisms of checks

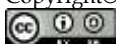


and balances beyond the classical trias politica framework. Accordingly, the existence of the JC is not intended to substitute the authority of the Supreme Court in exercising judicial functions, but rather to serve as a constitutional instrument ensuring that judicial independence operates in tandem with judicial integrity and accountability within a democratic rule-of-law system. This finding carries important theoretical implications, particularly in reinforcing the argument within state institutional theory that independent oversight bodies can function as complementary mechanisms within judicial power without undermining its core independence, while normatively suggesting the need for clearer statutory delineation of the JC's authority to prevent institutional ambiguity in practice.

The Constitutional Court's interpretation of the JC's authority in Decision No. 005/PUU-IV/2006, Decision No. 43/PUU-XIII/2015, and Decision No. 92/PUU-XVIII/2020 reveals a consistent interpretative pattern that places the principle of judicial independence as the primary parameter in delineating the scope of the institution's authority. Through the application of systematic, structural, and teleological interpretation methods, the Court interprets Article 24B of the Constitution contextually within the broader framework of judicial power. The outcome of this interpretative approach affirms that the authority of the JC constitutes part of a constitutional mechanism aimed at maintaining judicial integrity, yet it cannot be extended into domains that may potentially interfere with the independence of judicial institutions. Consequently, the JC and the Supreme Court are ultimately constructed as two institutions with a complementary relationship, whereby the JC functions as an external ethical oversight body, while the Supreme Court retains primary authority over the administration of judicial functions. From a broader constitutional perspective, this interpretative pattern reflects the Court's effort to preserve the balance between judicial independence and accountability as two fundamental principles underpinning the legitimacy of the judiciary in a democratic rule-of-law state. From a normative and policy perspective, this interpretative approach implies the necessity of recalibrating the regulatory framework governing the JC to ensure a more effective balance between judicial independence and accountability, particularly by strengthening its oversight capacity without encroaching upon the core domain of judicial adjudication.

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