

Strengthening the Independence of the Supreme Court of the Republic of Indonesia in the Era of E-Court-Based Judicial Modernization to Realize Just Legal Reform

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Abstract: *This study aims to analyze and formulate a model for strengthening the independence of the Supreme Court of the Republic of Indonesia in the era of E-Court-based judicial modernization as part of legal reform in Indonesia. Using normative juridical methods through legislative and conceptual approaches, this study finds that the digitalization of the judiciary as regulated in Supreme Court Regulation Number 1 of 2019 concerning Electronic Court Case Administration and Trials provides benefits in increasing efficiency and transparency, but also poses challenges to judicial independence due to regulatory limitations, potential technological intervention, and weak data protection and system oversight. Therefore, a comprehensive legal reconstruction is needed through strengthening regulations, institutions, and technology to guarantee the complete independence of judges in realizing a just trial.*

Keywords: *Judicial Independence, Supreme Court, E-Court, Judicial Modernization*

Introduction

The concept of a state of law in Indonesia cannot be separated from the synthesis between the rechtsstaat tradition and the rule of law, which is then constructed in a unique way in the Indonesian state system through the 1945 Constitution of the Republic of Indonesia (Iswari 2020). Article 1 paragraph (3) expressly states that Indonesia is a state of law, which contains implications for the supremacy of law, protection of human rights, and limitations of power through checks and balances mechanisms (Cahya Supena 2023). Within this framework, the judicial power occupies a central position as an independent branch of power, as emphasized in Article 24 paragraph (1) of the 1945 Constitution, which states that the judicial power is an independent power to administer justice to uphold law and justice. This independence is not merely a formal principle, but a substantive prerequisite for upholding justice, because without the freedom of judges from intervention, the judicial process will lose its moral and constitutional legitimacy (Busthami 2017). In this regard, the

Supreme Court of the Republic of Indonesia, as the apex of judicial power, plays a strategic role in maintaining legal unity, providing legal certainty, and ensuring justice oriented toward the protection of human rights, as guaranteed in Article 28D paragraph (1) of the 1945 Constitution (Putra 2023).

The independence of the Supreme Court, as a primary prerequisite for a just trial, must be understood comprehensively, encompassing the institutional, functional, and personal dimensions of judges. Normatively, this guarantee is reinforced in Law Number 48 of 2009 concerning Judicial Power, specifically Article 3 paragraph (1), which emphasizes that in carrying out their duties and functions, judges are obliged to maintain judicial independence (Sulistiyono 2024). This independence is also in line with international principles such as the Bangalore Principles of Judicial Conduct, which emphasize the values of independence, impartiality, integrity, and propriety. However, in practice, this independence faces various challenges, both external and internal, such as potential intervention from other branches of government, conflicts of interest, and increasingly intense public and media pressure in the digital era (Walangitan 2025). Therefore, independence should not be understood statically, but rather as a dynamic concept that must be continuously strengthened through legal and institutional instruments to ensure the quality of decisions that are not merely legalistic but also reflect substantive justice.

Judicial reform in Indonesia after the 1998 Reformation has brought significant changes to the structure and governance of judicial power, particularly through the implementation of a one-roof system under the Supreme Court, as regulated by amended laws and regulations, including Law Number 5 of 2004 concerning the Supreme Court. This system aims to strengthen institutional independence by integrating the administrative, organizational, and financial functions of the judiciary under the Supreme Court (Marrismawati 2024). In addition, various legal reform efforts have been undertaken, such as increasing transparency through the publication of decisions, strengthening institutional accountability, and improving the efficiency of the litigation process. However, these reforms have not completely eliminated structural and cultural issues, such as judicial corruption, low integrity among some law enforcement officials, and a bureaucratic culture that is not yet fully adaptive to change (Yusnani 2023). This indicates that judicial reform is still an incomplete process and requires a more progressive and systemic approach to legal reform.

To modernize the judiciary, the Supreme Court has developed an electronic-based court system, or E-Court, as part of its digital transformation, as regulated in Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Courts. This system encompasses various services such as e-filing, e-payment, e-summons, and e-litigation, aimed at increasing efficiency, transparency, and access to justice (Ariwijaya 2022). Theoretically, the digitalization of the judiciary is a progressive step in responding to developments in information technology and public demands for fast and accountable legal services. In fact, when compared with practices in various countries, the digitalization of the judiciary is a key indicator of modern legal system reform. However, the implementation of E-Court also raises new issues, particularly related to infrastructure readiness, human resource quality, and gaps in access to technology, which have the

potential to create new injustices, particularly for groups lacking adequate digital literacy (Hariyanto 2022).

The digitalization of justice through E-Court has complex implications for the independence of the Supreme Court. On the one hand, electronic systems can strengthen independence by increasing transparency, reducing direct interactions that could potentially lead to corrupt practices, and creating an accountable digital footprint (Kurniati 2019). However, on the other hand, reliance on technology opens up new potential risks, such as data manipulation, system security vulnerabilities, and the possibility of domination by non-judicial actors such as technology providers and system administrators. Furthermore, new problems have emerged, such as algorithmic bias in digital systems, the control of case data, and the potential for technology-based interventions that are difficult to detect conventionally (Berutu 2020). This situation creates tension between the need for technology-based efficiency and the principle of judicial independence in deciding cases, necessitating a legal framework that can accommodate both interests in a balanced manner.

The problems with the implementation of E-Court in practice also demonstrate the gap between regulation, implementation, and the ideal of judicial independence. Disparities in technological infrastructure between regions, limited human resource capacity, and barriers to public access are factors that hinder the optimization of this system. Furthermore, the absence of comprehensive regulations regarding the protection of independence in digital systems indicates a significant gap in norms. The disharmony between existing regulations and practice, the inconsistency of the Supreme Court's internal policies, and the weak oversight mechanisms for the digital judicial system further emphasize the urgency of legal reform. Therefore, a reconstruction of legal norms is needed that is not only adaptive to technological developments but also capable of substantively guaranteeing the protection of judicial independence, through an approach encompassing regulatory, institutional, technological, and judicial ethics aspects, so that the ultimate goal of just legal reform can be truly realized.

Methodology

This research employs a normative juridical method that focuses on the study of legal norms as an autonomous system of rules, with an emphasis on the analysis of laws and regulations, legal principles, and legal doctrines relevant to the issue of independence of the Supreme Court of the Republic of Indonesia in the era of electronic-based judicial modernization. The approaches used include a statutory approach and a conceptual approach, where the statutory approach is carried out by examining various related regulations, such as the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Power, and Supreme Court Regulation Number 1 of 2019 concerning Electronic Case Administration and Trials in Courts to identify the suitability, consistency, and gaps in norms in electronic judicial regulations. Meanwhile, a conceptual approach is used to analyze and construct legal arguments based on fundamental concepts such as the independence of judicial power, substantive justice, and the principles of the rule of law that have developed in the literature and the thoughts of legal experts, so that this research is not only descriptive but also prescriptive in formulating an ideal legal reform model in strengthening judicial independence amidst digital transformation.

Result and Discussion

Dynamics of the Independence of the Supreme Court of the Republic of Indonesia in the Indonesian Constitutional System

The dynamics of the independence of the Supreme Court of the Republic of Indonesia in the Indonesian constitutional system must be understood within the framework of a state based on law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law. This principle has the consequence that all implementation of state power, including judicial power, must be subject to the law and uphold justice and legal certainty. In this context, Article 24 paragraph (1) of the 1945 Constitution explicitly affirms that judicial power is an independent power to administer justice to uphold law and justice. This independence is the main foundation for the creation of a judiciary that is impartial and free from intervention, thus guaranteeing the protection of human rights as stipulated in Article 28D paragraph (1) of the 1945 Constitution concerning the right to fair legal certainty. Thus, the independence of the Supreme Court is not only institutional in nature, but also a constitutional mandate that has philosophical, juridical, and sociological dimensions (Naibaho 2021).

Normatively, the position and authority of the Supreme Court are further regulated in Article 24A of the 1945 Constitution, which grants it the authority to adjudicate at the cassation level, to review laws and regulations subordinate to the law against the law, and to exercise other powers granted by law. This provision is reinforced in Law Number 48 of 2009 concerning Judicial Power and Law Number 14 of 1985 concerning the Supreme Court, as most recently amended by Law Number 3 of 2009 concerning the Second Amendment to the Supreme Court Law. Within this framework, the independence of the Supreme Court encompasses three main dimensions: institutional independence relating to the autonomy of the organization and administration of justice; functional independence relating to the freedom of judges to examine and decide cases; and personal independence relating to the integrity and impartiality of individual judges (Agustian 2023). These three dimensions are interrelated and inseparable, as weaknesses in any one dimension will impact the entire judicial system.

From a constitutional perspective, the independence of the Supreme Court must also be placed within the checks and balances mechanism between the branches of state power. Although the judiciary is independent, this does not mean it is free from control; rather, it remains within a constitutional oversight framework. This is reflected in the existence of the Judicial Commission, as stipulated in Article 24B of the 1945 Constitution, which has the authority to safeguard and uphold the honor, dignity, and behavior of judges. Furthermore, relations with the executive and legislative branches are also unavoidable, particularly in the appointment of Supreme Court justices, budget management, and the formation of laws and regulations. Therefore, the independence of the Supreme Court must be understood as accountable independence, that is, freedom that remains within the law and legitimate oversight mechanisms (Suherman 2019).

However, in practice, there remains a gap between legal norms guaranteeing independence and the reality on the ground. Various potential interventions in the judiciary remain a serious problem, stemming from political power, economic interests, and public and media pressure. Although Article 3 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power expressly prohibits all forms of interference in judicial affairs, in practice, such intervention often occurs indirectly through various informal mechanisms. Furthermore, conflicts of interest involving law enforcement officials also pose a challenge to maintaining judicial independence. The situation indicates that normative guarantees are not yet fully effective in safeguarding judicial independence, so strengthening is needed in both regulatory and implementation aspects.

The dynamics of the Supreme Court's independence are influenced by internal factors within the judicial institution itself, such as legal culture, the integrity of its personnel, and the judicial management system. The personal independence of judges is crucial in this context, as the quality of decisions ultimately depends on their integrity and professionalism. In this regard, Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power emphasizes that judges are obliged to explore, adhere to, and understand the legal values and sense of justice prevalent in society. This provision demonstrates that judicial independence not only means freedom from intervention but also a moral responsibility to realize substantive justice. However, challenges such as high caseloads, limited resources, and public pressure can impact the objectivity and quality of judicial decisions.

An evaluation of the Supreme Court's independence shows that, despite its strong legal foundation, its implementation still faces various complex challenges. Therefore, efforts are needed to strengthen independence, not only normatively but also structurally and culturally, through comprehensive legal reform. This strengthening must include regulatory improvements, enhancing the integrity of the judicial apparatus, and strengthening effective oversight mechanisms without compromising judicial independence. In this context, the independence of the Supreme Court must be positioned as a primary instrument in realizing a just judiciary, thus responding to public demands for a legal system that is transparent, accountable, and oriented toward substantive justice.

Digital Transformation of the Judiciary through E-Court and its Implications for Judicial Independence

The digital transformation of the judiciary through the E-Court system is an integral part of the legal reform agenda developed by the Supreme Court of the Republic of Indonesia to improve the quality of judicial services in Indonesia. The implementation of this system is based primarily on Supreme Court Regulation Number 1 of 2019 concerning Electronic Case Administration and Court Trials, which regulates electronic case administration and trials in response to developments in information technology and demands for judicial efficiency. Conceptually, judicial digitalization is a manifestation of the principles of a modern rule of law that emphasize not only certainty and justice but also accessibility and efficiency of legal services. In this context, E-Court serves as a strategic

instrument to expedite the litigation process and reduce non-transparent practices that have historically hindered the conventional judicial system.

The E-Court system encompasses key features such as e-filing, e-payment, e-summons, and e-litigation, all designed to integrate administrative and trial processes within a single, integrated electronic system. E-filing allows for online case registration without the need for a physical court appearance. E-payment facilitates transparent payment of court fees. E-summons enables the electronic summons of parties. E-litigation enables digital trial proceedings, including the submission of documents and evidence. Implementing these features not only increases time and cost efficiency but also expands access to justice, particularly for those with geographical limitations. Therefore, the digitalization of justice through E-Court can be seen as a concrete form of legal system modernization oriented toward public service.

However, the implementation of E-Court cannot be separated from its implications for judicial independence. On the one hand, digitalization can strengthen judicial independence by increasing transparency and accountability in the judicial process. Each stage of a case, documented electronically, creates an auditable digital trail, thereby minimizing the opportunity for intervention or corrupt practices. Furthermore, reduced direct interaction between parties and judicial officials can also reduce the potential for external pressure on judges. From this perspective, the E-Court functions as an internal control mechanism that strengthens the integrity of the judicial system and supports the principle of independence as guaranteed in Law Number 48 of 2009 concerning Judicial Power.

However, on the other hand, judicial digitalization may also introduce new forms of technological intervention that potentially affect judicial neutrality. For instance, automated case administration systems and electronic case assignment mechanisms may indirectly influence judicial independence if the allocation process is not fully transparent or is centrally controlled. In addition, the increasing use of digital decision support tools, such as case tracking systems and performance dashboards, may create institutional pressure on judges to conform to efficiency indicators or system generated expectations. Reliance on integrated electronic platforms may also raise concerns related to data governance, system control, and cybersecurity risks, particularly when the infrastructure is managed by centralized administrative authorities. These conditions may not directly interfere with judicial reasoning, but they can shape the procedural environment in ways that subtly influence judicial autonomy.

Therefore, while E-Court significantly strengthens transparency and integrity, its implementation still requires strict safeguards, particularly transparency in system design, judicial control over procedural mechanisms, and strong institutional oversight, to ensure that digital tools function as supportive instruments rather than mechanisms of indirect influence over judicial independence.

On the other hand, the digitalization of the judiciary also poses various new risks that have the potential to undermine judicial independence. Dependence on information technology systems opens the possibility of data manipulation, system disruptions, and information leaks that can impact the judicial process. Furthermore, the involvement of

third parties, such as technology providers and system administrators, raises questions about the limits of authority of non-judicial actors in the judicial system. This situation can create new forms of intervention that are indirect but have a significant impact on judicial independence. Furthermore, the use of algorithm-based technology in case management has the potential to introduce bias that does not always align with the principle of substantive justice, thus posing new challenges in maintaining the objectivity of decisions.

Another equally important issue relates to data security and the protection of case information in the E-Court system. In a digital context, case data is a highly sensitive asset and vulnerable to misuse, requiring a robust security system and clear regulations. To date, regulations regarding data protection in e-court systems remain incompletely comprehensive, leaving room for potential violations that could undermine public trust in judicial institutions. Furthermore, disparities in technological infrastructure and digital literacy across regions also hinder the equitable implementation of e-courts, ultimately creating new inequities in access to judicial services.

The digital transformation of the judiciary through E-Court demonstrates the complex relationship between technological modernization and judicial independence. While technology can be a tool to strengthen transparency, efficiency, and accountability, it also carries new risks that must be addressed through an adequate legal framework. Therefore, an integrative approach between law and technology is necessary in formulating digital justice policies, ensuring that modernization does not erode the principle of judicial independence. In this context, the Supreme Court plays a strategic role in ensuring that the digital transformation of the judiciary remains within the constitutional framework and the principles of the rule of law, and is able to realize a justice system that is not only modern but also fair and based on integrity.

Legal Reconstruction in Strengthening the Independence of the Supreme Court in the Era of Digital Justice

Legal reconstruction to strengthen the independence of the Supreme Court of the Republic of Indonesia in the digital justice era must begin with acknowledging the normative gap and regulatory disharmony between Law Number 48 of 2009 concerning Judicial Power and technical instruments such as Supreme Court Regulation Number 1 of 2019 concerning Electronic Case Administration and Court Trials. This law does not explicitly regulate the dimensions of independence in the digital context, particularly regarding electronic system management, case data security, and the role of non-judicial actors. Therefore, concrete steps are needed in the form of legislative revisions to incorporate new norms governing the principle of judicial independence in the digital justice system, including affirmation that all judicial technology infrastructure is under the full control of the judiciary. Furthermore, regulatory harmonization is also necessary through the development of synchronized and non-overlapping derivative regulations, thereby creating legal certainty in the implementation of E-Court.

The next concrete step is institutional strengthening through the establishment of a special unit within the Supreme Court responsible for the governance of judicial technology. This unit must have strategic authority in the development, supervision, and evaluation of

the E-Court system, and be staffed by professionals with competencies in law and technology. To ensure independence, this unit must be internal and independent of external parties, particularly in data and system management. Furthermore, a mechanism for regular technology audits involving independent institutions must be established while remaining within the framework of judicial accountability. This step is crucial to ensure that the digital system does not become a new loophole for intervention or abuse of authority.

From a technological perspective, legal reconstruction must be realized through the development of an E-Court system based on the principles of security, transparency, and accountability. Concrete actions that can be taken include the implementation of a multi-layered encryption system to protect case data, the use of blockchain technology to ensure the integrity and authenticity of documents, and the development of an activity log system that can track all access and changes to the system. Furthermore, the Supreme Court needs to establish strict standard operating procedures (SOPs) for managing the digital system, including limiting access based on authority and clear accountability mechanisms for each system user. Thus, technology will not only become a tool for efficiency but also an instrument for protecting judicial independence.

Reconstruction must also include affirming the limits of authority of non-judicial actors in the e-court system. In current practice, the involvement of third parties, such as technology vendors, creates potential conflicts of interest and the risk of indirect intervention. Therefore, regulations are needed that strictly limit the role of external parties to non-substantive technical aspects and prohibit access to case data and the decision-making process. Concrete actions that can be taken include drafting employment contracts based on the principles of confidentiality and independence, and implementing strict legal sanctions for violations. Furthermore, the Supreme Court needs to develop internal capacity to gradually reduce its dependence on external parties in managing judicial technology.

The integration of the principles of substantive justice and judicial ethics in digital systems is a crucial aspect of legal reconstruction. In this regard, the Supreme Court needs to develop specific ethical guidelines regarding the use of technology in the judicial process, which govern the behavior of judges and judicial officials in utilizing the e-Court system. These guidelines should encompass the principles of impartiality, confidentiality, and professional responsibility in the digital environment. Another concrete action is the ongoing training of judges and judicial officials on digital literacy and technology ethics, ensuring they are not only technically proficient but also ethically aware in their use of technology. Thus, the digitalization of the judiciary remains oriented toward achieving substantive justice, not merely procedural efficiency.

Legal reconstruction to strengthen the independence of the Supreme Court in the digital era must be directed at establishing an integrative, adaptive, and equitable judicial model. This requires synergy between regulatory reform, institutional strengthening, and technological innovation based on the principles of the rule of law as stipulated in the 1945 Constitution of the Republic of Indonesia. Concrete actions that can be carried out on an ongoing basis include periodic evaluation of the implementation of E-Court, the establishment of collaborative forums between judicial institutions, academics, and civil

society, and the development of research-based policies. With these steps, it is expected that a digital judicial system will be created that is not only modern and efficient but also capable of guaranteeing the complete independence of judges and realizing equitable legal reform.

Conclusion

The conclusion of this study shows that the independence of the Supreme Court of the Republic of Indonesia is a fundamental principle in a state based on the rule of law, constitutionally guaranteed in the 1945 Constitution of the Republic of Indonesia, particularly Article 24 paragraph (1). However, in its development, it faces increasingly complex challenges along with the digital transformation of the judiciary through the E-Court system. On the one hand, the digitalization of the judiciary has made a positive contribution to increasing efficiency, transparency, and access to justice, but on the other hand, it also poses new risks to judicial independence, such as dependence on technology, the potential for intervention through digital systems, and weak data protection and oversight. Furthermore, there is a gap between existing legal norms, such as Law Number 48 of 2009 concerning Judicial Power, and the implementation practices of the E-Court as regulated in Supreme Court Regulation Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Courts, thus indicating an urgent need for legal reconstruction that can bridge technological developments with the principle of judicial independence. Thus, strengthening the independence of the Supreme Court in the digital era is not sufficient to rely solely on normative guarantees, but requires a comprehensive and adaptive approach to the dynamics of technology and society.

The recommendations include the need for concrete and integrated legal reforms to strengthen judicial independence in the digital justice era. First, regulatory revision and harmonization are needed to explicitly accommodate the principle of independence in the electronic justice system, including regulations regarding data security, the limits of authority of non-judicial actors, and technological oversight mechanisms. Second, the Supreme Court of the Republic of Indonesia needs to strengthen its institutional capacity by establishing a dedicated unit for managing independent judicial technology and improving the competence of human resources in the fields of law and technology. Third, the development of the E-Court system must be based on the principles of security, transparency, and accountability, utilizing reliable technology and equipped with strict standard operating procedures. Fourth, guidelines for judicial ethics in the use of technology need to be developed to maintain the integrity and impartiality of judges. With the implementation of these steps, it is expected that a digital justice system will be created that is not only modern and efficient but also capable of guaranteeing the full independence of judges and realizing just legal reform.

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