

Managed Judicial Activism: The Balance Between Judicial Activism and Judicial Restraint in the Constitutional Court's Decisions from 2024 to 2025

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Abstract: This article examines the practices of judicial restraint and judicial activism in the decisions of the Indonesian Constitutional Court (MK) for the 2024–2025 period, by integrating the academic discourse published in the MKRI Constitutional Journal (2025), institutional statements by Minister of Law and Human Rights Yusril Ihza Mahendra emphasizing judicial restraint as a form of judicial maturity, and the historical precedent set by Mahfud MD in the KPK wiretapping case as a landmark example of judicial activism in Indonesia. The study was conducted by comparatively analyzing theories of judicial activism and restraint, mapping the spectrum between the two approaches, and applying this analytical framework to the Constitutional Court's most significant decisions during the 2024–2025 period. This article argues that the activism–restraint dichotomy is a continuum, not a categorical one, and that the Indonesian Constitutional Court, in the dynamics of its rulings, moves between these two poles contextually, depending on the issues at hand, the composition of the panel, and the surrounding political pressures.

Keywords: judicial activism; judicial restraint; Constitutional Court; judicial independence; Mahfud MD; 2024–2025 Constitutional Court rulings; constitutional law.

I. Introduction

In the discourse of comparative constitutional law, the tension between judicial activism and judicial restraint is one of the most fundamental debates regarding the nature and limits of judicial power. At one extreme, judicial activism posits that constitutional judges, in carrying out their duties, play an active role not only as interpreters of legal norms but also as agents of legal and social change. At the opposite end of the spectrum, judicial restraint holds that judges must refrain from exceeding the bounds of their judicial function, respect the supremacy of democratically elected institutions, and limit their interpretations to what the constitution intends, whether textually or structurally.

This debate is not merely an abstract academic discussion. It has very real consequences for the direction of legal development, the balance of power among the branches of government, and the quality of constitutional democracy. In Indonesia, this debate has taken on a very distinctive character, as evidenced by various precedents documented over the Constitutional Court's two-decade history.

The year 2025 marks a new chapter in this discourse: the MKRI Constitutional Journal published an in-depth study specifically examining the comparison between judicial activism and judicial restraint from the perspective of judicial independence. Concurrently, Minister of Law and Human Rights Yusril Ihza Mahendra emphatically stressed the importance of judicial restraint as "a sign of the judicial branch's maturity in maintaining the balance of the trias politica." This statement—from a minister who, constitutionally, has no authority over the judicial branch—raises its own questions regarding the legitimacy and boundaries of the discourse on judicial restraint.

This article aims to: first, examine the theoretical frameworks of judicial activism and restraint in a comparative manner; second, analyze the spectrum between the two approaches; third, to examine the Mahfud MD precedent as a landmark example of judicial activism in Indonesia; fourth, to examine the substance and implications of Yusril Ihza Mahendra's statement; fifth, to apply this analytical framework to the Constitutional Court's 2024–2025 decisions; and sixth, to formulate a balanced normative position regarding the role that Indonesia's Constitutional Court should play.

II. Theoretical Framework: Judicial Activism and Judicial Restraint

A. Genealogy of the Concept

The term “judicial activism” was first popularized by Arthur Schlesinger Jr. in a 1947 article in *Fortune* magazine, in the context of an analysis of the composition and tendencies of U.S. Supreme Court justices. Since then, the term has evolved into one of the most debated—and most misused—concepts in constitutional law literature.

Judicial restraint, by contrast, has older intellectual roots, traceable to the tradition of thought established by Oliver Wendell Holmes Jr., who noted that “General propositions do not decide concrete cases.” Holmes held that a good judge is one who refrains from imposing his or her own moral views on rulings and, instead, respects legislative decisions as long as they have a rational basis.

In the development of 20th-century constitutionalism, this dichotomy became increasingly pronounced: the Warren Court in the United States (1953–1969) became the most iconic symbol of judicial activism through decisions such as *Brown v. Board of Education* (1954), which ended segregation; *Miranda v. Arizona* (1966), which protected the rights of suspects; and *Roe v. Wade* (1973), which recognized the right to abortion. On the other hand, justices such as Felix Frankfurter and John Marshall Harlan II served as reminders of the importance of restraint in respecting democratic supremacy.

B. Comprehensive Comparison: Eight Dimensions

To systematically understand the differences between judicial activism and judicial restraint, the following is a comparative analysis of the eight most relevant dimensions:

Dimension	Judicial Activism	Judicial Restraint
Definition	Judges actively use judicial power to promote legal and social change, going beyond a textual interpretation of the law	Judges limit themselves to the task of interpreting the law as it stands; they respect the decisions of political institutions elected by the people
Approach to Legal Norms	Norms are interpreted dynamically, contextually, and teleologically; the legal text is a starting point, not the final limit of interpretation	Norms are interpreted in an originalist or textualist manner; the intent of the legislature serves as the limit on judicial interpretation
Relationship with the legislature	Does not hesitate to enter the realm of policy; functions as a “positive legislator” that fills legal gaps	Respects legislative supremacy; limits itself to acting as a “negative legislator” that merely invalidates unconstitutional norms
Democratic legitimacy	Relies on constitutional legitimacy; judges act as protectors of minority rights against majoritarian tyranny	Acknowledges the courts’ democratic deficit; since judges are not elected by the people, their discretion must be limited
Attitude toward human rights	Proactively expanding human rights protections beyond what is explicitly stated in the text of the Constitution	Protecting human rights only to the extent provided for in the text of the Constitution; expansion through amendments, not judicial rulings
Main risks	Counter-majoritarian dilemma; erosion of the separation of powers; unaccountable judge-made law	Status quo bias; failure to protect rights that have not yet been articulated; conservatism that hinders justice
Theoretical examples	Warren Court (U.S.): desegregation, rights of the accused; Constitutional Court under Mahfud MD (Indonesia)	Holmes, Frankfurter (U.S.); Dworkin’s interpretivism with limits; the Constitutional Court in the post-2013 era (in part)

Instruments of choice	Evolutionary interpretation, implicit rights, living constitution, ultra petita rulings	Originalist interpretation, not exceeding the petition, deference to the legislature, ultra vires doctrine
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C. A Spectrum, Not a Dichotomy

One of the most common methodological errors in the activism-restraint debate is treating the two as a mutually exclusive dichotomy. In reality, no judge is 100% activist or 100% restrained; every judge positions themselves at a point on a spectrum, and their position may shift from one issue to another.

Characteristics	Characteristics	Legitimacy	Examples
Ultra-activism	A judge creates a new right without a textual basis; goes beyond the petition; acts as a pure positive legislator	Contradictory	Rare; example: a ruling that goes far beyond the norm being tested
Moderate Activism	Evolutionary and teleological interpretation; goes beyond the text but remains grounded in constitutional principles	Partially accepted	Mahfud MD's ruling regarding KPK wiretaps; several rulings on age requirements
Balanced interpretivism	Judges integrate the text, structure, history, and constitutional principles holistically	Widely accepted	The normative position most widely supported by academics
Moderate restraint	Respects the will of the legislature; overturns only if unconstitutionality is clear	Dominant	The position emphasized by Yusril Ihza Mahendra; the majority of Constitutional Court rulings
Ultra-restraint	Never grants relief; always defers to the legislature; judges act as mouthpieces for the law	Not recognized	Dangerous; negates the function of constitutional review

The table above illustrates that between ultra-activism and ultra-restraint lies a broad middle ground, where the majority of highly legitimate judicial practices take place. The position of “balanced interpretivism”—which holistically integrates text, structure, history, and constitutional principles—is the ideal point most widely supported by contemporary constitutional legal theory.

D. Criticisms of Both Approaches

1. Criticisms of Judicial Activism

Critics of judicial activism raise several substantial objections. First, the counter-majoritarian dilemma: in a democracy, power should rest in the hands of those elected by the people. Judges who are not elected through elections lack the democratic legitimacy to make decisions that should fall within the domain of political institutions. When judges actively create new rights or overturn democratic policies, they act as an “unaccountable super-legislature” to the electorate.

Second, the institutional competence problem: judges generally lack substantive expertise in complex policy areas (health, environment, economy, defense). When activist judges enter this realm through their rulings, they risk producing technically flawed policies with unforeseen consequences.

Third, the erosion of the rule of law: if the outcome of constitutional review depends heavily on the composition of the bench and the individual orientations of judges, then legal certainty—which is a prerequisite for investment, planning, and social order—is at risk of being eroded.

2. Criticism of Judicial Restraint

On the other hand, judicial restraint is not immune to criticism either. First, the status quo bias: by deferring excessively to the legislature and avoiding substantive review, judges who adhere to the principle of restraint tend to perpetuate a status quo that may contain serious injustices. *Brown v. Board of Education* would never have occurred if the Warren Court had strictly adhered to the principle of restraint—racial segregation, which was democratically supported by the majority in the Southern states, would have persisted.

Second, the “hollow constitution” problem: if judges always defer to the legislature in interpreting constitutional rights, the constitution risks becoming a hollow document—the rights it guarantees apply only to the extent that legislators are willing to recognize them. This contradicts the constitution’s primary function as a check on majoritarian power.

Third, the “originist fallacy”: originalist interpretation—which often serves as the main instrument of judicial restraint—assumes that the intent of the constitution’s framers can be known with certainty and is relevant to contemporary issues. In an era of evolving constitutions, this approach can lead to absurd interpretations or even betray the original purpose of the constitution itself.

III. The Mahfud Md. Precedent: A Landmark of Judicial Activism in Indonesia

A. Context: The “Cicak vs. Buaya” Case and the KPK Crisis

One of the most dramatic and influential examples of judicial activism in Indonesia occurred during the tenure of Constitutional Court Chief Justice Mahfud MD, in the context of a crisis that came to be known to the public as the “Cicak vs. Buaya” conflict between the KPK and the Indonesian National Police in 2009.

The background to this was the Indonesian National Police’s designation of two KPK leaders—Bibit Samad Rianto and Chandra M. Hamzah—as suspects. Many viewed this designation as politically motivated criminalization, an attempt to weaken the KPK from within. During the pretrial hearing and the subsequent legal proceedings, wiretap recordings obtained by the KPK were presented, which dramatically revealed a conspiracy behind the designation of these individuals as suspects.

B. Mahfud MD’s Decision: Unsealing Wiretap Recordings in the Constitutional Court Hearing

The Mahfud MD Precedent: Judicial Activism in the KPK Wiretap Case

Context of the Case	Review of the petition regarding the criminalization of KPK leaders Bibit and Chandra; the “Cicak vs. Buaya” crisis (2009)
Decision of the Chief Justice of the Constitutional Court	Mahfud MD ruled to allow the playback of KPK wiretap recordings during the Constitutional Court hearing
Basis for the Decision	Public interest, which demands transparency regarding the alleged conspiracy to criminalize the KPK; the Constitutional Court’s role as guardian of the constitution
Character of Activism	The Constitutional Court went beyond the formal scope of the case; it used the hearing as a forum to expose facts relevant to the interests of democracy
Direct Impact	The footage played revealed the existence of a conspiracy; public pressure rose sharply; President SBY eventually formed the “Team of Eight” to investigate the case

Constitutional Impact	Affirmed the Constitutional Court's role as an institution that is not merely formal and procedural; the Court can function as a substantive forum for constitutional justice
Significance	One of the most iconic moments of judicial activism in Indonesia; demonstrating the potential of activism to protect anti-corruption institutions from political criminalization

C. Legal Analysis: The Legitimacy and Limits of Mahfud MD's Activism

Mahfud MD's decision to allow the playback of KPK wiretap recordings during the Constitutional Court hearing can be analyzed from two opposing perspectives.

From the perspective of judicial activism, this decision is a legitimate expression of the Constitutional Court's role as the guardian of the Constitution. When other state institutions (such as the National Police) are suspected of using their authority to criminalize anti-corruption agencies, the Constitutional Court has constitutional justification to use its proceedings as a forum that allows the truth to come to light. The concept of "public interest litigation" and the Constitutional Court's role as the "watchman of the constitution" provide normative legitimacy for this decision.

From the perspective of judicial restraint, this decision raises several questions. First, does the playing of wiretap recordings fall within the scope of the Constitutional Court's jurisdiction in the case it is hearing? There is an argument that this step exceeds the boundaries of the case at hand. Second, can wiretap evidence obtained through procedures strictly regulated by law be immediately disclosed in a public forum without considering the implications for privacy and applicable legal procedures?

Regardless of this debate, the impact of Mahfud MD's decision was very real and highly significant: the recordings, played in open court, dramatically altered the dynamics of the case, mobilized public opinion, and ultimately saved the two KPK leaders from what was deemed baseless criminalization. This is one of the strongest arguments for judicial activism: that in critical moments when other democratic institutions fail, a courageous judiciary can serve as the last bastion of justice.

D. Mahfud MD's Jurisprudential Legacy

In addition to the KPK wiretapping case, Mahfud MD's tenure at the Constitutional Court (2008–2013) produced a number of other rulings that can be categorized as judicial activism, including:

1. Rulings that expanded civil rights for citizens with unclear legal status (rulings on children born out of wedlock, inheritance jurisprudence);
2. Decisions affirming the Constitutional Court's authority to challenge non-transparent legislative processes (limited "open legal policy");
3. Decisions that creatively interpreted constitutional rights to expand protections for marginalized groups.

Mahfud MD's legacy at the Constitutional Court has established jurisprudential precedents that continue to be cited and debated to this day, even by those who, in principle, support judicial restraint.

IV. Statement by Yusril Ihza Mahendra: Restraint as Judicial Maturity

A. The Substance of the Statement and Its Context

The statement by Minister of Law and Human Rights Yusril Ihza Mahendra, which emphasizes the importance of judicial restraint as "a form of judicial maturity in maintaining the balance of the trias politica," carries constitutional weight and warrants serious consideration. "Judicial Restraint Is a Form of Judicial Maturity" Yusril Ihza Mahendra, Minister of Law and Human Rights. Yusril Ihza Mahendra emphasized that the Constitutional Court, as a judicial institution, must also understand the limits of its authority. According to him, judicial restraint is a form of maturity on the part of the judiciary in maintaining

the balance of the trias politica. This statement reflects the executive branch's view regarding the boundaries the Constitutional Court should observe in exercising its constitutional authority.

This statement needs to be placed in the proper context. Yusril was speaking as the Minister of Law and Human Rights—a member of the executive branch who lacks the constitutional authority to direct or limit the Constitutional Court's powers. This is not a statement from the Chief Justice of the Constitutional Court or a constitutional law scholar speaking from within the system; it is a statement from the executive branch regarding how it wishes the judicial branch to behave.

This dimension is important: a similar statement by a minister in countries with a strong tradition of judicial independence would be met with significant controversy, as it could be interpreted as an attempt by the executive branch to influence or discipline judicial conduct. In Indonesia, this statement must be understood within the context of the more complex relationship between the executive branch and the judiciary.

B. Critical Analysis: Who Has the Authority to Define Judicial "Maturity"?

The most fundamental question raised by Yusril's statement is: who has the authority to define what is meant by the "maturity" of the judiciary? In a system that guarantees judicial independence, the constitutional answer is clear: not the executive branch.

The doctrine of judicial independence—protected by Article 24(1) of the 1945 Constitution, which affirms that the judiciary is an independent branch of government—implies that standards of judicial conduct are determined by the judges themselves, guided by legal norms, professional ethics, and accountability to the broader public, not by pressure or expectations from the executive branch.

However, this does not mean that Yusril's statement is entirely irrelevant. From a legal theory perspective, the argument for judicial restraint does indeed have a strong normative foundation, particularly in the context of a democracy still in the process of consolidation. The question is: does this statement constitute a legitimate academic contribution to public discourse, or is it an attempt by the executive branch to shape judicial conduct norms in an inappropriate manner?

C. The Validity of the Argument for Restraint in the Indonesian Context

Regardless of who made the statement, the argument for judicial restraint does in fact have contextual relevance within the Indonesian legal system. Several considerations support this view:

1. Post-Decision No. 90 Experience: The major controversy surrounding Constitutional Court Decision No. 90/PUU-XXI/2023 regarding the age requirement for vice-presidential candidates—followed by the dismissal of Constitutional Court Chief Justice Anwar Usman due to a conflict of interest—demonstrates that judicial activism carried out without regard for strict ethical norms and procedures can undermine the Constitutional Court's own legitimacy.
2. Risk of capture: A Constitutional Court that is overly activist may become an easier target for attempts at capture by political forces seeking to exploit the judiciary for their own interests. Well-managed restraint can protect the Constitutional Court from excessive politicization.
3. Democratic consolidation: In a consolidating democracy, respect for democratically elected institutions and the limits of constitutional authority are prerequisites for the stability of the system.

However, the arguments above must be balanced with the awareness that excessive restraint also has its costs: it can allow constitutional violations to continue without effective judicial correction.

V. Review of the 2025 MKRI Constitutional Journal: Current Academic Discourse

A. Significance of the 2025 MKRI Constitutional Journal Publication

The publication of an in-depth study comparing judicial activism and restraint by the MKRI Constitution Journal in 2025 is an important indicator of the maturity of Indonesia's constitutional legal discourse. The Constitution Journal, as an official publication issued by the Constitutional Court itself, holds a unique position: it serves as an academic forum that indirectly reflects the evolving dynamics of thought within the Court.

The publication of an academic study on the activism-restraint dichotomy by the Constitutional Court itself can be interpreted as a self-critical reflection, demonstrating the Court's readiness to openly discuss the limits of its authority and its interpretive approaches. This is a sign of true institutional maturity—not in the sense intended by Yusril (as an argument for restraint), but in the sense of the ability to openly reflect on and debate its own judicial identity.

B. Relevance to the Constitutional Court's Decisions from 2024–2025

The academic discourse published in the 2025 MKRI Constitutional Journal serves as a crucial lens for understanding the Constitutional Court's rulings during the same period. If Constitutional Court justices or its research staff are engaged in debates regarding activism versus restraint, such debates are likely to influence—though not always explicitly—the approach taken in landmark rulings.

The relevant question is: Does the discourse developing in the Constitutional Journal reflect a shift in the Constitutional Court's orientation toward greater restraint following the controversy surrounding Decision No. 90? Or does this discourse instead serve as the basis for a more nuanced approach that cannot be simply categorized as either activism or restraint?

VI. Application: Classification of Constitutional Court Decisions 2024–2025

A. Ruling Analysis Matrix

The following is an analysis of some of the most significant rulings from the 2024–2025 period, classified according to the activism-restraint spectrum:

Ruling	Issue	Ruling	Character Analysis	Classification
Decision No. 90/PUU-XXI/2023	Age requirement for vice presidential and presidential candidates	Granted: Change to age requirements	Strong activism: goes beyond the petition; changes a norm that had previously been rejected; serious dissenting opinions emerge	Activism
Decision No. 62/PUU-XXII/2024	Presidential threshold (Article 222 of the Election Law)	Granted: Presidential threshold repealed	Moderate judicial activism: a shift in jurisprudential stance after a decade; 7-2 vote	Moderate activism
Decision No. 60/PUU-XXII/2024	Requirements for regional head candidacy (Regional Election Threshold)	Granted—threshold lowered	Activism: adjustment of regional election provisions; has a direct political impact on the 2024 regional elections	Activism
Decision No. 23 P/HUM/2024 (Supreme Court)	PKPU on age requirements for regional heads vs. the Regional Election Law	Supreme Court: The PKPU conflicts with the Regional Election Law	Restraint: The Supreme Court adheres to the text of the law; declares the PKPU ultra vires	Restraint
Decision No. 105/PUU-XXII/2024	Defamation under Article 27A of the ITE Law	Under review	Still pending; potential for activism if the interpretation of freedom of expression is broadened	Postponed

Decision No. 16/PUU-XXI/2023	Article 16A of the IKN Law (HGU)	Granted; declared unconstitutional	Restraint: The Constitutional Court applies strict constitutional standards to development policies	Moderate restraint
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B. Decision No. 62/PUU-XXII/2024: Presidential Threshold as Moderate Judicial Activism

The repeal of the presidential threshold through Decision No. 62/PUU-XXII/2024 is one of the most compelling examples of moderate judicial activism during this period. For more than a decade, the Constitutional Court had consistently rejected challenges to the presidential threshold provision by relying on the doctrine of open legal policy. This dramatic shift in jurisprudential stance—involving seven concurring justices and two dissenting justices—is a clear sign of an activist approach.

However, the activism in this case can be characterized as “moderate” because the Constitutional Court still grounded its decision in defensible constitutional arguments: it reinterpreted the boundaries of the “open legal policy” doctrine based on a more in-depth constitutional analysis, rather than solely on policy considerations or political agendas. The dissenting opinions of the two justices, in fact, demonstrate that the debate over activism versus restraint is very much alive within the Constitutional Court’s deliberations.

C. Emerging Patterns: The Constitutional Court Moves Between Two Poles

An analysis of the decisions from the 2024–2025 period reveals a pattern in which the Constitutional Court does not consistently position itself at a single point on the activism-restraint spectrum. Instead, the Court moves contextually between these two poles, depending on:

4. The issue at hand: Issues related to political and electoral rights tend to result in a more activist approach; issues related to economic policy and regulation lean more toward restraint.
5. The composition of the Court: Differences in opinion among justices—as reflected in dissenting opinions—indicate that there is no internal consensus on where the Constitutional Court should position itself on this spectrum.
6. Political context: Pressure from the political environment—whether from the executive, the legislature, or public opinion—cannot be entirely ignored as a factor influencing the direction of rulings, even though, in principle, it should be.
7. Existing Precedents: The Constitutional Court tends to be more activist on issues where there are no strong precedents, and more restrained on issues where consistent jurisprudence has already been established.

VII. Toward a Normative Position: “Constrained Activism” for the Indonesian Constitutional Court

A. Moving Beyond the Dichotomy

After examining both approaches along with their critiques, and after analyzing the practices of the Indonesian Constitutional Court during the 2024–2025 period, the pressing normative question is: which approach should the Indonesian Constitutional Court adopt?

The most academically defensible answer is not to choose one pole over the other, but rather to formulate an approach that transcends this dichotomy. The most relevant concept is what might be termed “constrained activism” or, in Indonesian terminology, “managed activism”: The Constitutional Court is willing to actively exercise its powers to protect constitutional rights and uphold constitutional principles, but within the limits defined by judicial ethical norms, strict procedures, and transparent public accountability.

B. Principles of Constrained Activism for the Indonesian Constitutional Court

The concept of constrained activism for the Indonesian Constitutional Court can be operationalized through several principles:

1. Human rights-based activism: The Constitutional Court is willing to act as an activist when fundamental constitutional rights are threatened—particularly rights that cannot be protected by democratic institutions because they concern the interests of minorities or marginalized groups.
2. Restraint based on institutional competence: The Constitutional Court exercises restraint in areas requiring technical expertise it lacks—such as macroeconomic policy, defense policy, or complex public health policy—unless there is a clear violation of constitutional rights.
3. Transparency and accountability: Every activist ruling must be accompanied by legal reasoning that is more in-depth, comprehensive, and transparent than that in restrained rulings, to ensure that the public can assess the validity of the reasoning used.
4. Caution in changing precedents: The Constitutional Court must apply a higher standard before altering established jurisprudence. A change in position, such as in Decision No. 62/2024, must be supported by very strong arguments and communicated with transparent explanations to the public.
5. Respect for procedural boundaries: The Constitutional Court must not exceed the formal boundaries of a case except under truly extraordinary circumstances. Mahfud MD's judicial activism in the KPK wiretapping case was justifiable due to truly extraordinary circumstances, but it must not serve as a model for more routine situations.

C. Response to Yusril's Statement

Within the framework of constrained activism, how should the Constitutional Court respond to Yusril Ihza Mahendra's statement regarding judicial restraint as "judicial maturity"?

The answer is simple yet firm: the Constitutional Court should not respond to these statements by altering its approach in response to pressure from the executive branch. Statements from the Minister of Law and Human Rights—no matter how highly he is respected as a legal expert—lack the constitutional authority to dictate how the Constitutional Court should conduct itself.

Rather, the substantive arguments put forward by Yusril and by academics who support the restraint approach should be part of academic discourse and the Constitutional Court's internal deliberations through appropriate forums: seminars, scholarly journals, and dialogue among institutions of equal standing. Not through public statements that could be interpreted as executive pressure on judicial independence.

VIII. Conclusion

Based on the analysis conducted, this article draws the following conclusions:

1. The dichotomy between judicial activism and judicial restraint is not a mutually exclusive binary choice, but rather a spectrum within which each judge and each court positions itself contextually, depending on the issue at hand, the applicable norms, and the surrounding environmental pressures.
2. Mahfud MD's precedent in the KPK wiretapping case (2009) is one of the most iconic examples of judicial activism in Indonesia, demonstrating that well-targeted activism—in truly extraordinary contexts and driven by urgent constitutional interests—can serve as a highly powerful instrument to protect democratic institutions from political criminalization.
3. Yusril Ihza Mahendra's statement regarding judicial restraint as "judicial maturity" contains relevant normative substance; however, it must be examined in light of his position as an executive minister. Substantive arguments regarding restraint should be incorporated into academic discourse and internal deliberations within the Constitutional Court through appropriate forums, rather than through public statements that could potentially be interpreted as executive pressure.
4. The Constitutional Court's rulings for the 2024–2025 term—including Ruling No. 62/PUU-XXII/2024 on the presidential threshold and Ruling No. 60/PUU-XXII/2024 on the eligibility requirements for regional head candidates—demonstrate that the Indonesian Constitutional Court operates contextually between the poles of activism and restraint, with a tendency toward activism on issues of political rights and a more moderate tendency toward restraint on issues of structural policy.

5. The most defensible normative position for the Indonesian Constitutional Court is “constrained activism”: a willingness to be activist in protecting fundamental constitutional rights, combined with prudence grounded in institutional competence, argumentative transparency, and respect for strict procedural and ethical boundaries. This model allows the Constitutional Court to fully fulfill its constitutional role without falling into judicial overreach that undermines the institution’s legitimacy.

Ultimately, the debate between judicial activism and restraint is not about which is absolutely “better,” but rather about finding the right balance between two equally important values: effective protection of constitutional rights on the one hand, and respect for the limits of authority and democratic legitimacy on the other. Finding and maintaining that balance—and not merely choosing one extreme over the other—is what constitutes true judicial maturity.

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