



## Lived Experiences of Constitutional Judges Navigating Judicial Independence Under Political Pressure

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### ABSTRACT

Judicial independence is a cornerstone of constitutional democracy, ensuring impartiality and justice in the interpretation of law. Within the field of Constitutional and Administrative Law, understanding independence as a lived experience—rather than a procedural ideal—remains underexplored, particularly in contexts where political influence challenges judicial integrity. This study explores how constitutional judges experience and interpret judicial independence under political pressure using an interpretative phenomenological approach (IPA). Findings reveal that independence is a continuous moral and emotional process rooted in conscience, reflection, and professional resilience. Through thematic analysis of interviews with eight constitutional judges, four themes emerged—ethical conflict, emotional burden, institutional mechanisms, and reflexive identity—illustrating that independence is sustained through moral awareness rather than structural protection. The study contributes to a human-centered understanding of constitutional justice by framing judicial independence as an existential and ethical practice.



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## INTRODUCTION

Judicial independence has long stood as one of the foundational principles of constitutional democracy, serving as a safeguard against the concentration of power and ensuring the impartial application of law (Zhan & Qiao, 2024). Within modern constitutional systems, this principle represents not only a legal doctrine but also a lived moral and ethical commitment that enables judges to perform their duties without undue influence. However, in transitional and politically dynamic democracies, maintaining such independence often becomes a profound personal and institutional challenge (Smart & Wood, 2025). Judges are not merely arbiters of law; they are human agents navigating complex intersections of morality, duty, and political expectation within their professional and cultural environments.

In many constitutional systems, the judiciary functions under persistent scrutiny from political institutions, the media, and civil society (Zaun et al., 2024). This context transforms the role of a constitutional judge into one that extends beyond the mechanical application of legal norms. Instead, it involves a deeply human experience of moral tension, ethical self-reflection, and emotional endurance. The phenomenon of judicial independence thus becomes inseparable from the subjective experiences of those who embody it. Scholars such as (Omang et al., 2024) have observed that judicial behavior under political pressure often reveals not only institutional vulnerabilities but also the personal resilience of judges in defending their ethical integrity (Mukhlis, 2025a). These lived experiences highlight the gap between the formal ideal of judicial autonomy and the practical reality of maintaining such integrity within politically charged environments.

Given this complexity, exploring judicial independence through a phenomenological lens becomes essential (Wang, 2024). Unlike positivist or doctrinal legal studies, which often

conceptualize independence as a normative or structural matter, a phenomenological approach delves into the meaning of independence as experienced by judges themselves (Mukhlis, 2025b). It allows an understanding of how judges perceive, interpret, and internalize their constitutional role amid power dynamics and political contestation. This focus on lived experience responds to a growing need in contemporary legal scholarship: to understand law not only as a system of rules but as a field of human meaning shaped by perception, emotion, and moral reasoning.

By situating judicial independence within its broader social and existential context, the present study acknowledges that law functions through human consciousness (Jackson & Doerschler, 2024). It thus seeks to uncover the essence of how constitutional judges live their independence—how they experience pressure, navigate institutional boundaries, and preserve integrity in the face of political and ethical dilemmas (Burns et al., 2024). Such inquiry aligns with the phenomenological goal of revealing the meaning structures underlying human experience, providing insight that extends beyond legal doctrine into the domain of human values, conscience, and identity.

Research exploring the lived experiences of individuals who operate within systems of law and governance has increasingly gained significance in recent decades (Steible, 2024). Within the field of Constitutional and Administrative Law, such inquiry moves beyond institutional design and focuses on how legal actors actually experience their professional and moral roles (Mukhlis, Suradi, et al., 2023). The experiences of constitutional judges, in particular, represent a crucial yet underexplored dimension of constitutional practice (Spry, 2025). Their reflections on independence, authority, and justice reveal an intersection between law as an objective system and law as a lived human encounter. Scholars such as (Alonso, 2025) have underscored that understanding judicial behavior requires more than institutional or procedural analysis—it requires delving into the subjective consciousness of judges as moral agents functioning within politicized spaces.

Despite its importance, this subfield faces substantial methodological challenges. Much of the existing scholarship relies on doctrinal or quantitative frameworks that prioritize external indicators—such as case outcomes, procedural compliance, or statistical measures of judicial independence—while overlooking the internal meanings and emotional realities of the judicial experience (Knecht, 2025). Quantitative studies often fail to grasp the depth of cognitive and ethical conflict that judges endure when confronting political influence or moral ambiguity (Mukhlis & Saidah, 2025). Consequently, the true experiential dimension of judicial independence—the how it feels to preserve impartiality under pressure—remains insufficiently articulated within legal discourse.

These methodological limitations reveal why conventional approaches have been only partially effective in explaining the essence of independence as lived and interpreted by judges themselves (Ferrer et al., 2025). Doctrinal analyses capture the legal framework but not the human struggle within it; case-based studies describe institutional consequences but rarely examine the existential experiences shaping judicial reasoning (Mukhlis & Abdullah, 2025). The phenomenological approach, by contrast, provides the conceptual and methodological tools to illuminate these hidden layers of meaning (Rozsnyai, 2024). By focusing on how constitutional judges interpret and live their independence, phenomenology allows the uncovering of structures of thought, emotion, and ethical reflection that conventional legal methods cannot access.

Thus, this study positions itself within the growing body of phenomenological legal scholarship, seeking to bridge the gap between constitutional theory and human experience (Monciunskaitė, 2025). It aims to contribute a deeper, interpretive understanding of judicial independence—not as an abstract doctrine but as a lived phenomenon experienced through moral deliberation, institutional tension, and personal integrity.

While conventional scholarship on judicial independence has advanced significantly in conceptualizing the structural and institutional dimensions of constitutional justice, most studies continue to rely on formal or procedural frameworks (de Sadeleer, 2024). These frameworks often emphasize what mechanisms ensure independence—such as appointment processes, tenure security, or separation of powers—rather than how judges actually experience independence within the complex realities of political influence (Mukhlis, Janwari, et al., 2023). The prevailing assumption

has been that maintaining judicial autonomy can be effectively understood through these structural safeguards and normative analyses (de Gaetano, 2024). However, such approaches remain limited in their capacity to capture the lived, emotional, and moral dimensions of judicial life that shape constitutional decision-making in practice.

Existing methods—predominantly doctrinal, comparative, or quantitative—have proven insufficient to grasp the subjective essence of judicial experience. They tend to reduce independence to observable indicators or institutional metrics, overlooking the inner world of judges who negotiate between ethical conviction and external political forces (Miyandazi, 2025). Quantitative surveys, for instance, may identify correlations between political pressure and judicial behavior, but they rarely illuminate how judges personally make sense of such pressures or what independence means to them in existential terms (Mukhlis et al., 2024). As a result, much of the legal scholarship remains detached from the experiential realities that sustain judicial integrity on a human level.

This epistemic gap highlights the need for an alternative methodological lens—one that prioritizes understanding over measurement, meaning over mechanism. A phenomenological approach, particularly within the hermeneutic tradition, offers a pathway to explore the essence of judicial independence as lived, interpreted, and embodied by constitutional judges themselves (Mohamud et al., 2025). Rather than treating independence as a static legal attribute, phenomenology allows it to emerge as a dynamic moral and emotional experience, shaped by context, reflection, and relational understanding.

By employing phenomenology, this study responds directly to the limitations of prior research and aims to reveal the underlying meaning structures that inform how judges perceive and sustain their independence in politically charged environments (Mukhlis, Maryam, et al., 2023). Such an approach contributes not only to constitutional scholarship but also to the broader humanistic understanding of law as a realm of lived experience, conscience, and ethical identity.

Recent studies on judicial independence and constitutional integrity have offered important insights into the structural and institutional aspects of judicial behavior. Scholars such as (Gyöngyi, 2024) have examined how external pressures influence judicial decision-making, while Nguyen (2021) explored the emotional dimension of judges working under political tension. However, most of these studies remain rooted in normative or procedural perspectives, leaving the lived meaning of judicial independence insufficiently explored (Ghouse & Aslam, 2025). The phenomenological focus on lived experience provides a necessary bridge between abstract theory and the inner reality of judges. This study builds upon these foundations by exploring how constitutional judges interpret, internalize, and sustain their independence as an existential and ethical experience.

To address the knowledge gap identified earlier, this study employs the interpretative phenomenological approach grounded in hermeneutic philosophy (Tailakova et al., 2025). This method enables a deep exploration of how judges construct meaning from their lived experiences while navigating political and moral challenges. By using in-depth interviews and interpretative analysis, the study reveals how judicial independence is perceived not merely as a legal duty but as a continuous act of moral reflection and self-definition (Mukhlis, Arifin, Ridwan, & Zulbaidah, 2025). The phenomenological method allows the emergence of themes that express the essence of independence as lived through conscience, resilience, and ethical awareness (de Oliveira et al., 2024). Through this approach, the study answers the central question: How do constitutional judges experience and interpret their judicial independence under political pressure?

The structure of this article follows a clear and coherent flow that reflects the phenomenological inquiry process (Helberger, 2025). The introduction presents the theoretical background and significance of the phenomenon. The methodological section describes the interpretative phenomenological design, participant selection, data collection, and analytical process. The results section articulates the thematic findings that emerged from participants' narratives, followed by a discussion that situates these findings within broader theoretical and ethical contexts (Mukhlis, Arifin, Ridwan, Zulbaidah, et al., 2025). Finally, the conclusion highlights the essential

meaning of judicial independence as a lived moral and institutional experience, suggesting directions for future research.

## **RESEARCH METHODS**

### **Study Design**

This study employed an interpretative phenomenological design, grounded in the hermeneutic tradition of Heidegger. The phenomenological approach was selected for its emphasis on exploring the lived experiences and subjective meanings attached to human encounters with a particular social or institutional reality. In this context, the design was appropriate for uncovering how constitutional judges experience and interpret judicial independence under political pressure.

The interpretative phenomenological framework assumes that meaning is co-constructed through participants' reflections and the researcher's interpretive understanding of those reflections. This approach enabled the identification of underlying themes that reveal the moral, emotional, and ethical dimensions of judicial independence as lived phenomena, rather than as abstract legal principles.

### **Participants**

Participants consisted of constitutional judges and former justices who had direct experience with judicial decision-making in politically sensitive cases within the national constitutional court. A purposive sampling strategy was applied to ensure the inclusion of individuals possessing firsthand knowledge and reflective insight into the phenomenon under investigation.

Eligibility criteria required that participants:

Had served as constitutional judges or senior legal officers within the constitutional court for at least three years.

Had participated in or observed deliberations concerning politically charged constitutional cases.

Demonstrated willingness to engage in deep, reflective interviews concerning their professional and ethical experiences.

A total of eight participants were involved, comprising six male and two female judges, aged between 45 and 67 years. Each participant held advanced legal qualifications and had over fifteen years of professional experience in judicial or constitutional practice. These demographic characteristics provided a diverse and credible basis for understanding the phenomenon in its legal and socio-political context.

### **Data Collection**

Data were collected through in-depth, semi-structured interviews designed to elicit rich, reflective descriptions of participants' lived experiences. The interviews were conducted face-to-face in neutral and private settings to ensure confidentiality and comfort. Each session lasted between 60 and 90 minutes, and all were audio-recorded with participants' consent.

An interview guide was used to maintain consistency while allowing flexibility for participants to elaborate on their experiences. Sample guiding questions included:

“Can you describe a moment when you felt your judicial independence was tested?”

“What personal or institutional factors helped you maintain impartiality in politically sensitive cases?”

Field notes were taken to capture non-verbal cues and contextual nuances. Data collection continued until thematic saturation was achieved, ensuring that no new essential meanings emerged from additional interviews.

### **Data Analysis**

Data analysis followed the Interpretative Phenomenological Analysis (IPA) framework, emphasizing both the descriptive and interpretive dimensions of meaning-making. The process involved several systematic steps:

**Transcription:** All interviews were transcribed verbatim immediately after completion.

**Immersion:** Each transcript was read multiple times to achieve a holistic understanding of the data.

**Coding and Meaning Units:** Significant statements and phrases were identified and grouped into meaning units reflecting the core essence of experience.

**Thematic Development:** Codes were clustered into major and subordinate themes, illustrating how judges perceived and internalized independence amid political tension.

**Interpretation:** The themes were subjected to hermeneutic reflection to reveal deeper moral and existential meanings embedded in participants' experiences.

NVivo software was used to assist in the organization and retrieval of coded data, ensuring analytic consistency. The process adhered to the phenomenological principle of epoché—bracketing prior assumptions to focus on participants' authentic expressions of lived experience.

## **RESULTS**

### **The Inner Conflict Between Judicial Integrity and Political Pressure**

Participants consistently described the tension between their professional obligation to uphold constitutional justice and the pervasive political pressures exerted by both executive and legislative powers. This conflict was not merely institutional but deeply personal. One justice stated:

“When political narratives begin to invade the courtroom, I remind myself that my loyalty is not to power, but to the Constitution itself. Yet, the weight of such loyalty is often lonely.”

At the descriptive level, these accounts illustrate how judges experience independence as a moral tension between loyalty to constitutional duty and the intrusive presence of political influence.

Analytically, this theme underscores that independence is perceived not only as a constitutional principle but as an existential commitment to ethical integrity. Maintaining neutrality required emotional resilience and self-awareness, suggesting that independence functions as an act of moral resistance grounded in conscience rather than as a procedural guarantee.

### **Emotional Burden and the Weight of Constitutional Responsibility**

The experience of emotional strain emerged as another dominant theme. Judges articulated a profound sense of solitude and moral fatigue stemming from their role as guardians of constitutional justice amid political volatility. One participant expressed:

“Every decision feels like carrying the nation's conscience on your shoulders. You know any mistake will not only damage the law but also the faith of citizens in justice.”

Descriptively, the narratives reveal deep emotional exhaustion and the loneliness inherent in constitutional responsibility.

From an interpretive standpoint, these accounts highlight that judicial independence entails significant psychological cost. The phenomenological meaning lies in how judges internalize responsibility—navigating fear, anxiety, and ethical weight under political scrutiny—transforming independence into an emotional as well as moral endurance.

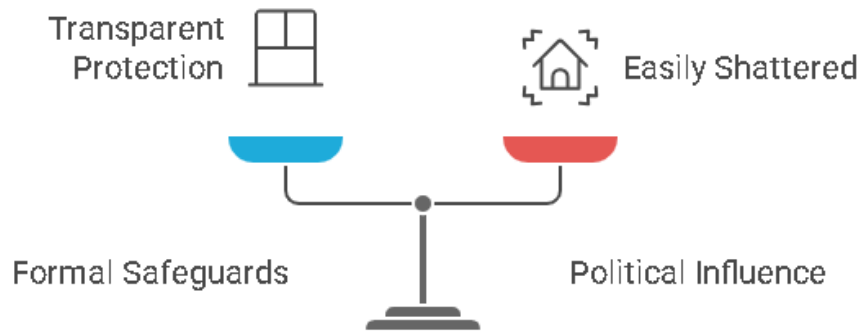
### **Institutional Mechanisms and the Struggle for Collective Integrity**

Beyond individual experiences, participants underscored the significance of institutional safeguards in protecting judicial autonomy. However, several justices described these mechanisms as “fragile” or “symbolic.” As one participant reflected:

“Formal safeguards are like walls made of glass—transparent but easily shattered when politics decides to push through.”

Descriptively, these narratives indicate limited confidence in existing institutional mechanisms.

### Balancing Judicial Autonomy and Political Influence



Analytically, the theme suggests that independence is sustained less by formal structures and more by collective moral agency among justices. Institutional autonomy thus becomes a lived ethical practice—rooted in collegial trust, mutual protection, and shared resistance against political intrusion—while simultaneously exposing frustration over the fragility of structural safeguards.

### Ethical Reflexivity and the Formation of Judicial Self-Identity

Judges’ reflections demonstrate an ongoing hermeneutic process of self-interpretation, where they continuously redefine their professional and ethical selves within the evolving political environment. One participant explained:

“Independence is not given; it is a daily choice. Every ruling reminds me who I am as a judge—whether I remain faithful to justice or succumb to convenience.”

At the descriptive level, these reflections portray judges’ conscious engagement with their professional identity through daily ethical decision-making.

Interpretively, this theme captures judicial independence as a dynamic moral practice rather than a static ideal. The process of ethical reflexivity enables judges to negotiate between moral ideals and institutional constraints, reaffirming their integrity through ongoing interpretation and self-awareness.

## DISCUSSION

The findings of this study reveal that judicial independence is experienced as a moral and existential practice rather than a static legal condition. Constitutional judges describe their independence as a continual act of ethical negotiation and emotional resilience in the face of political influence. This understanding directly responds to the central question of how judges experience and interpret their independence under political pressure, highlighting independence as a lived phenomenon grounded in conscience and integrity.

### Contribution of Findings to the Research Question

The results offer a deeper interpretative understanding of how judicial independence is lived, felt, and maintained within the complex dynamics of political power. Judges in this study articulated independence as a moral commitment rather than merely a professional duty, experienced through persistent reflection, solitude, and emotional endurance (Syrpis, 2024). Their narratives demonstrate that the act of being independent is not confined to institutional structures, but emerges from an inner ethical dialogue between personal conviction and institutional expectation.

This contributes uniquely to the broader discourse on judicial ethics by showing that independence is not simply the absence of interference, but a continuous moral stance rooted in self-awareness and the courage to act according to constitutional conscience. The phenomenological lens reveals that independence exists in moments of tension—when judges must reconcile external political demands with their internal sense of justice (Czebe & Pödör, 2024). Thus, this study provides an interpretive bridge between legal theory and human experience, offering insights that doctrinal analyses have not captured.

### **Relationship with Previous Literature and Theoretical Perspectives**

These findings align with prior phenomenological and interpretive works emphasizing the human dimensions of law. Consistent with (Okaisabor, 2025), the study affirms that political pressure can erode judicial confidence; however, it extends their analyses by uncovering how judges internalize and resist such pressures through moral reasoning. (Mattioli, 2024) suggested that judicial ethics are institutionally conditioned, yet the present findings show that ethical identity is also deeply self-constructed and reflective, evolving through judges' introspective engagement with their role.

Moreover, the emotional burden described by participants complements (Duhart, 2025) notion of judicial emotions as essential to professional integrity, reframing emotion not as weakness but as a source of ethical strength. By situating independence within the framework of lived consciousness, the study deepens the theoretical understanding of judicial behavior as an existential-ethical phenomenon rather than a procedural construct. It therefore contributes to a growing body of scholarship that recognizes law as a field of lived moral experience—one that depends as much on the integrity of human consciousness as on formal constitutional design.

### **Implications of the Findings**

The findings of this study carry significant theoretical and practical implications for both the field of constitutional law and the professional ethics of the judiciary. From a phenomenological standpoint, the lived experiences of constitutional judges reveal that judicial independence is not solely sustained through legal mechanisms, but through an ongoing moral awareness that integrates emotion, conscience, and institutional responsibility. This insight reframes the concept of judicial independence from a procedural ideal into a human-centered practice, shaped by continuous self-reflection and ethical resilience. Socially, these findings suggest that judicial integrity can only thrive in environments that nurture ethical autonomy rather than institutional compliance (Miao et al., 2024). Culturally, they underscore the importance of acknowledging the human dimension of constitutional authority, where decisions are influenced not only by statutes but by deeply felt convictions about justice and fairness. For policymakers and judicial institutions, the study highlights the need to develop professional frameworks that support emotional well-being and ethical reflection among judges, ensuring that independence remains both a structural and experiential reality.

### **Limitations of the Study**

Despite its meaningful contributions, this study has certain limitations inherent to phenomenological research. The small and purposively selected sample—comprising eight constitutional judges—limits the generalizability of the findings to broader judicial populations. Moreover, the study's reliance on in-depth interviews emphasizes depth of meaning over breadth of representation, which means that the findings capture essence rather than frequency. The interpretative nature of the analysis, while central to phenomenology, may also reflect contextual influences and cultural nuances unique to the judiciary under study. Additionally, as the focus was placed on experiences within a single national context, differences in political systems or judicial cultures may produce varying interpretations of independence. These limitations, however, are consistent with the aims of phenomenological inquiry—to illuminate the richness of human experience rather than to produce universally generalizable outcomes.

### **Prospective Directions for Future Research**

Future studies could expand upon these findings by exploring comparative phenomenological analyses across different judicial systems or cultural contexts, providing a broader understanding of

how independence is lived under varying political pressures. Integrating longitudinal approaches could also reveal how the perception of independence evolves throughout a judge's career, offering insight into the developmental trajectory of judicial identity and ethics (Watkins, 2024). Further interdisciplinary research—combining phenomenology with psychology, sociology, or organizational studies—could deepen understanding of the emotional and moral dynamics that sustain integrity within constitutional courts. By continuing to bridge law and lived experience, future inquiries may strengthen the discourse on judicial ethics, ensuring that the principle of independence remains not only a constitutional ideal but also a sustained human experience of moral commitment.

## CONCLUSION

This study explored how constitutional judges experience and interpret judicial independence amid political pressure through a phenomenological lens. The findings reveal that independence is not merely a structural guarantee but a lived ethical and emotional experience sustained by moral conviction and professional integrity. By uncovering the inner dimensions of conscience, reflection, and resilience, the research enriches the understanding of judicial behavior beyond institutional frameworks. It addresses previous gaps in the literature by demonstrating that independence is actively maintained through continuous self-awareness and ethical practice rather than passive adherence to legal norms. These insights contribute to strengthening the discourse on judicial ethics and the human foundations of constitutional justice. Beyond theoretical contributions, the findings carry significant practical implications for judicial policy and governance. Judicial training programs should incorporate ethical reflexivity and emotional resilience as integral components of professional development, enabling judges to navigate political pressures without compromising integrity. Policymakers and judicial councils could also design institutional mechanisms that promote peer support, confidential deliberation spaces, and ethical mentorship to sustain moral independence within judicial institutions.

From a comparative perspective, this study underscores that judicial independence is contextually lived rather than universally uniform. Cross-jurisdictional dialogues among constitutional courts could provide valuable insights into how different legal cultures manage political influence while maintaining judicial integrity. Such exchanges would not only enrich comparative constitutional studies but also foster global standards of ethical judicial conduct grounded in lived experience. Future research should further examine how variations in political systems, cultural expectations, and judicial education shape the phenomenology of independence, offering a broader and more inclusive understanding of constitutional justice worldwide.

## CONFLICT OF INTEREST

The authors declare no conflict of interest. The research was conducted independently, and the funding body—Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia (Kemendikbudristek)—had no role in the study design, data collection, analysis, interpretation, or publication decisions. All authors assume full responsibility for the content and conclusions presented in this article.

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