



Judicial Independence and Political Influence in Modern Democracies

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Article Info :

Article history:

Received: July 28, 2025

Revised: August 29, 2025

Accepted: December 18, 2025

Keywords:

judicial independence; human
rights violations; international law
enforcement; political interference;
rule of law

Abstract

Background: Human rights violations and political interference in judicial systems remain persistent global challenges that undermine accountability, democratic governance, and the rule of law. Armed conflicts, authoritarian governance, and socio-political crises have intensified systematic abuses by both state and non-state actors, while weakening the independence of judicial institutions responsible for upholding justice.

Objective: This study aims to examine contemporary human rights violations and assess the effectiveness of international legal mechanisms in addressing these violations, while also analyzing the extent to which political influence affects judicial independence in modern democratic systems.

Methods: The research employs a qualitative approach using doctrinal legal analysis and comparative case studies. Data are derived from international legal instruments, judicial decisions, United Nations reports, International Criminal Court (ICC) documents, regional human rights bodies, and scholarly literature published within the last five years.

Results: The findings indicate that international legal frameworks provide essential mechanisms for addressing human rights violations; however, enforcement remains inconsistent due to political constraints, jurisdictional limitations, and state non-cooperation. Case studies from Ukraine, Myanmar, Ethiopia, and Venezuela reveal both successes and structural limitations of international legal interventions. Additionally, political interference in judicial appointments, budgetary control, and legislative restrictions significantly undermines judicial independence, contributing to democratic backsliding.

Conclusion: The study concludes that strengthening international human rights protection and safeguarding judicial independence require enhanced international cooperation, robust legal frameworks, judicial autonomy, and active civil society engagement. These measures are crucial for ensuring accountability, protecting civil liberties, and promoting democratic resilience in contemporary governance systems.

To cite this article: Fathya, A. Z., & Santika, R. (2025). Judicial Independence and Political Influence in Modern Democracies. *Journal of Law and Social Politics*, 3(2), 97-110. <https://doi.org/10.59261/jlsp.v3i2.60>

INTRODUCTION

Human rights violations remain a significant global concern, with ongoing conflicts and authoritarian regimes exacerbating abuses against civilians. Recent cases in Ukraine, Myanmar, Ethiopia, and Venezuela illustrate the severity of human rights breaches, including arbitrary detention, forced displacement, and crimes against humanity (Carfora & Orlando, 2022; Tabassum & Gomes, 2025). These violations have attracted scrutiny from international legal bodies, such as the United Nations (UN), the International Criminal Court (ICC), and regional

human rights organizations. However, despite the existence of legal frameworks designed to prevent such atrocities, enforcement remains inconsistent, allowing perpetrators to evade accountability.

The international community has developed multiple legal mechanisms to address human rights violations, including the Geneva Conventions, the Rome Statute, and regional human rights treaties. These legal instruments establish guidelines for prosecuting war crimes, crimes against humanity, and genocide, providing a foundation for accountability and justice (Xu, 2025). However, the effectiveness of these instruments is frequently undermined by political constraints, jurisdictional limitations, and non-cooperation from influential states. As a result, victims of human rights abuses often struggle to obtain justice, while violators continue to evade prosecution.

A crucial issue in contemporary human rights protection is the selective application of international legal standards. While some conflicts receive widespread international condemnation and legal intervention, others are neglected due to political or economic interests (Brik, 2025; Jami, 2022). The inconsistency weakens the credibility of international law and raises questions about its ability to uphold human rights universally. The research examines these challenges and evaluates the effectiveness of existing international legal responses in addressing human rights violations.

One of the most pressing challenges in addressing human rights violations is the inconsistent enforcement of international legal frameworks. Despite the presence of institutions such as the ICC and the UN Human Rights Council, numerous cases remain unresolved due to political interference and jurisdictional limitations (Keisya, 2025). For instance, investigations into crimes committed in Ukraine and Xinjiang have faced strong resistance from state actors, preventing full accountability (Tuominen, 2023). These challenges raise serious concerns about the ability of international law to function effectively, particularly when powerful states refuse to comply with established legal norms.

Another critical issue is the lack of robust enforcement mechanisms to ensure compliance with international human rights laws. Many perpetrators evade prosecution due to weak judicial structures and non-cooperation from national governments. In some cases, states withdraw from international treaties or refuse to recognize the jurisdiction of human rights courts to avoid accountability (Oldring & Mackintosh, 2022). This undermines the credibility of the global legal system and allows ongoing violations to persist without significant legal consequences.

Moreover, geopolitical interests often dictate the extent of international responses to human rights abuses. While some countries face economic sanctions and international trials for human rights violations, others with strong political alliances remain largely unaffected (Moreira & Alves, 2024). This selective enforcement creates an imbalance in international justice and fuels skepticism regarding the effectiveness of existing legal mechanisms. Addressing these issues requires a comprehensive analysis of international legal responses and their limitations, which this research aims to provide.

To strengthen international legal responses to human rights violations, several alternative solutions can be explored. One approach is to enhance the jurisdiction and authority of the ICC, allowing it to prosecute cases more effectively without relying on state cooperation. Expanding the court's mandate to include crimes such as state-sponsored repression and economic exploitation could also improve accountability (Utari et al., 2023). Additionally, stronger enforcement mechanisms, such as automatic sanctions for non-compliant states, could serve as deterrents against human rights violations.

Regional human rights courts and truth commissions offer another potential solution. These institutions can address human rights violations at a localized level, ensuring that justice is delivered more efficiently. The African Court on Human and Peoples' Rights and the Inter-American Court of Human Rights have played crucial roles in addressing abuses within their respective regions (Faix & Jamali, 2022). Strengthening these institutions through increased funding and political support could enhance their ability to hold perpetrators accountable.

Furthermore, international cooperation must be improved to increase the effectiveness of legal responses. Multilateral agreements between states and human rights organizations can facilitate better information-sharing and coordination of legal actions (Christensen, 2023).

Implementing targeted sanctions, travel bans, and asset freezes against human rights violators can also act as effective deterrents. The research will evaluate these alternative solutions and their potential to enhance the enforcement of international human rights laws.

Judicial independence is a fundamental principle of democracy, ensuring that the judiciary operates free from political influence and external pressures. It serves as a safeguard for the rule of law, protecting individual rights and maintaining a fair and impartial legal system. However, in recent years, concerns have emerged regarding the increasing political interference in judicial affairs, which threatens the integrity of democratic institutions (Haggard & Kaufman, 2021). Governments in several democratic nations have been accused of manipulating judicial appointments, exerting financial control over courts, and undermining judicial authority to advance political interests (Ginsburg & Huq, 2018). These practices weaken public trust in the judiciary and disrupt the balance of power necessary for a functioning democracy.

Reports from the European Commission highlight growing concerns over political influence on judicial systems, particularly in countries experiencing democratic backsliding (Konc, 2025). In some cases, judicial reforms have been enacted under the pretense of improving efficiency, but in practice, they often serve to consolidate political power by limiting judicial oversight (Bozóki & Hegedűs, 2018). The trend has been observed in various democratic states, where governments have sought to control court rulings by appointing politically aligned judges and restricting judicial review mechanisms (Landaut & Dixon, 2020). The consequences of such interference include reduced judicial impartiality, the erosion of legal protections, and an increased risk of authoritarian governance.

Given the importance of judicial independence in maintaining democratic order, this research aims to explore how political influence manifests in modern democracies and what mechanisms can be implemented to counteract such interference. By analyzing case studies from multiple jurisdictions, the research provides a comprehensive overview of the threats facing judicial independence and proposes strategies for strengthening judicial autonomy. Through this approach, the research contributes to the broader discourse on constitutional law, political science, and democratic governance.

Despite constitutional protections guaranteeing judicial independence, political interference remains a significant challenge in modern democracies. In many cases, executive and legislative authorities have exploited legal loopholes to exert control over the judiciary, diminishing its role as an impartial arbiter of justice (Bozóki & Hegedűs, 2018). The interference often manifests in government-controlled judicial appointments, financial manipulation of court budgets, and legislative constraints on judicial review (Landaut & Dixon, 2020). The consequences of such practices include a judiciary that is biased toward political interests, weakening the checks and balances essential for democratic governance.

A key aspect of this research problem is the growing trend of governments using judicial reforms as a means to consolidate power. While judicial reforms are often framed as necessary for improving efficiency and accountability, they can also serve as tools for political manipulation (Pech & Scheppele, 2017). In some countries, ruling parties have introduced laws granting them greater influence over judicial appointments, effectively ensuring favorable rulings in politically sensitive cases (Koncewicz, 2017). This pattern of judicial capture not only threatens judicial independence but also erodes public confidence in the legal system's ability to deliver justice fairly.

Furthermore, the problem extends beyond national boundaries, as the erosion of judicial independence has implications for international legal frameworks. Countries that fail to maintain an impartial judiciary often face scrutiny from international organizations such as the European Union and the United Nations. However, enforcement mechanisms to counter judicial politicization remain limited, raising questions about how democratic nations can effectively address this growing issue. This research seeks to analyze the scope of political influence on the judiciary and explore potential legal and institutional solutions to uphold judicial independence.

One proposed solution to counter political interference in the judiciary is the establishment of independent judicial councils. These councils, composed of legal professionals rather than political appointees, can oversee judicial appointments and disciplinary actions without political bias (Benvenuti, 2018). By creating transparent and merit-based selection processes, judicial

councils help ensure that judges are appointed based on their qualifications rather than political affiliations. This approach has been successfully implemented in several democratic nations, strengthening judicial independence and reducing the influence of political actors on the judiciary (Abuirmilah et al., 2024).

Another potential solution is the implementation of strict tenure security for judges, which prevents political actors from removing or pressuring judges based on their rulings. Lifetime appointments or fixed-term tenures, combined with protections against arbitrary dismissals, can enhance judicial impartiality and reduce the likelihood of political influence (Haggard & Kaufman, 2021). Additionally, financial autonomy for judicial institutions can further safeguard the judiciary from external control, ensuring that courts have sufficient resources to operate independently (Salsabila et al., 2024).

Furthermore, civil society organizations, international legal bodies, and media oversight play a crucial role in holding governments accountable for judicial independence violations. The involvement of watchdog groups and international human rights organizations can deter political actors from interfering with the judiciary by exposing instances of judicial manipulation (Ginsburg & Moustafa, 2008). By fostering public awareness and advocacy, civil society can serve as an external check against political interference, reinforcing the judiciary's role as an independent guardian of the rule of law.

Previous studies have extensively examined the relationship between judicial independence and political influence. Pech and Scheppele (2017) focused on the decline of rule of law in European Union member states, particularly in Hungary and Poland, where judicial independence has been significantly compromised. Salsabila et al. (2024) analyzed the role of judicial independence in maintaining trust within the EU legal system, emphasizing the risks associated with politically influenced courts. While these studies provide valuable insights, they primarily focus on specific regions and do not offer a comparative analysis of multiple democratic systems.

Another previous studies have examined the role of international legal frameworks in addressing human rights violations, but most have focused on specific cases or institutions. For instance, Szpak (2024) analyzed the effectiveness of the OSCE Moscow Mechanism in Ukraine, while Adinew et al. (2023) explored human rights abuses in Ethiopia. Although previous studies provide valuable insights, they do not offer a comprehensive analysis of multiple international legal responses across different conflicts. Existing research also highlights the challenges faced by international legal institutions in enforcing accountability. Studies on the limitations of the ICC reveal that political constraints and jurisdictional issues hinder its ability to prosecute high-profile human rights violators (Pedersen, 2019). However, there is a lack of comparative studies that evaluate different international mechanisms and propose alternative solutions. The research seeks to fill that gap by assessing the strengths and weaknesses of various legal responses and identifying areas for improvement. The novelty of this research lies in its comparative analysis of human rights violations in Ukraine, Myanmar, Ethiopia, and Venezuela. By examining multiple case studies, this research aims to identify patterns in international legal responses and highlight enforcement gaps. Additionally, it provides new policy recommendations to strengthen global accountability mechanisms, contributing to the ongoing discourse on human rights protection.

This research builds upon existing studies by adopting a cross-jurisdictional approach to examine political influence on judicial independence in a broader global context. Unlike previous studies that focus primarily on legal perspectives, this research incorporates political science viewpoints to analyze judicial independence as part of a larger democratic governance framework. By integrating legal and political perspectives, the research aims to provide a more comprehensive understanding of how political actors attempt to control the judiciary and the effectiveness of various countermeasures. Moreover, the novelty of this research lies in its examination of judicial independence across multiple democracies, identifying common patterns of political interference and assessing the effectiveness of different legal and institutional safeguards. Through this approach, the research contributes new insights into the mechanisms that protect judicial autonomy and offers practical recommendations for policymakers and legal practitioners.

This research aims to comprehensively analyze the effectiveness of international legal mechanisms in addressing human rights violations and safeguarding judicial independence within contemporary democratic systems. By examining international legal instruments, enforcement institutions, and comparative case studies from Ukraine, Myanmar, Ethiopia, and Venezuela, the study seeks to identify key structural, political, and jurisdictional challenges that hinder accountability and justice. In addition, the research investigates the mechanisms through which political actors influence judicial independence and evaluates the effectiveness of existing legal, institutional, and civil society-based safeguards. The benefits of this research lie in its integrated legal and political analysis, which contributes to academic discourse by bridging international human rights law, constitutional law, and democratic governance studies. Practically, the findings provide policy-relevant insights for policymakers, legal practitioners, international organizations, and human rights advocates by offering evidence-based recommendations to strengthen international enforcement mechanisms, enhance judicial autonomy, and promote democratic resilience in the face of political interference and systemic human rights abuses.

METHOD

The research uses a qualitative research approach to analyze the impact of political influence on judicial independence in modern democracies. A qualitative approach is particularly suitable for exploring complex legal and political phenomena, as it allows for an in-depth examination of judicial structures, political interventions, and institutional safeguards (Daly, 2019). The research employs a comparative case research design, analyzing multiple democratic nations where judicial independence has been challenged by political interference. This approach facilitates the identification of common patterns and variations across different legal systems and political contexts (Ginsburg & Huq, 2018).

The comparative case research method is chosen to examine how different countries experience judicial politicization and to assess the effectiveness of countermeasures implemented to protect judicial independence. By selecting cases from diverse democratic regions, this research provides a broader understanding of the factors influencing judicial autonomy. This method also enables the evaluation of legal frameworks, policy reforms, and institutional mechanisms designed to mitigate political influence on the judiciary (Pech & Scheppele, 2017).

In addition to case studies, this research incorporates content analysis of legal documents, judicial reforms, government policies, and political statements. This method allows for a systematic examination of how judicial independence is framed, contested, and defended within various political and legal contexts. Content analysis helps identify implicit patterns of political influence and provides empirical evidence to support the research's findings (Landaut & Dixon, 2020).

The data for this research is collected from multiple sources, ensuring a comprehensive and reliable analysis. The research primarily relies on secondary data sources, which include:

- 1) **Legal and Policy Documents:** Official judicial reforms, constitutional provisions, and legislation governing judicial independence are analyzed to identify changes in legal frameworks that either protect or undermine judicial autonomy. Documents from national and international legal bodies, such as the European Commission and the United Nations, provide valuable insights into judicial governance.
- 2) **Academic Literature and Scholarly Articles:** Peer-reviewed journal articles, books, and reports by legal scholars, political scientists, and international organizations are examined to understand theoretical perspectives on judicial independence. Prior studies on democratic backsliding, rule-of-law challenges, and judicial reforms contribute to the research's conceptual foundation (Haggard & Kaufman, 2021).
- 3) **Government Reports and Public Statements:** Official statements from political leaders, judicial officials, and government agencies are analyzed to assess political discourse surrounding judicial independence. These sources help determine whether political actors advocate for or undermine judicial autonomy.

- 4) **Judicial Decisions and Case Law:** Selected judicial rulings from constitutional courts, supreme courts, and regional human rights courts are reviewed to understand how courts respond to political pressures and interpret constitutional provisions on judicial independence (Abuirmilah et al., 2024).
- 5) **Media Reports and Civil Society Analyses:** News articles, investigative journalism, and reports from civil society organizations, such as Freedom House and Transparency International, are used to track instances of judicial interference and public reactions to political control over the judiciary.

By triangulating data from diverse sources, this research ensures a comprehensive and objective analysis of judicial independence and political influence in modern democracies.

The research employs thematic analysis to identify recurring patterns of political influence on judicial independence. Thematic analysis involves coding textual data to extract themes related to judicial interference, political control, legal safeguards, and democratic resilience (Daly, 2019). This method enables a systematic interpretation of qualitative data by categorizing and linking different aspects of judicial independence and political influence.

Additionally, the comparative analysis method is applied to examine similarities and differences among the case research countries. This approach allows for an evaluation of the varying degrees of political influence on judicial systems and the effectiveness of different legal and institutional responses (Ginsburg & Huq, 2018). By comparing multiple cases, the research identifies best practices for preserving judicial autonomy in democratic states.

To ensure the validity and reliability of the findings, the research employs source triangulation, cross-referencing multiple data sources to verify consistency and accuracy. Furthermore, peer-reviewed academic literature supports the research's theoretical framework, ensuring that conclusions are grounded in established legal and political scholarship (Pech & Scheppele, 2017). The research also adheres to ethical research principles, maintaining objectivity and avoiding bias in the selection and interpretation of data.

RESULTS AND DISCUSSION

Result

Political Influence on Judicial Appointments

The findings indicate that political influence over judicial appointments is a common mechanism used to undermine judicial independence. In several democratic nations, ruling parties have manipulated judicial selection processes by appointing politically aligned judges who support government policies (Landaut & Dixon, 2020). This trend is particularly evident in countries experiencing democratic backsliding, where executive powers have expanded their control over judicial councils and appointment bodies (Pech & Scheppele, 2017). By placing loyalists in key judicial positions, political leaders reduce the likelihood of court decisions that challenge government actions.

The data also reveal that executive branches frequently modify judicial appointment procedures to consolidate their influence. Some governments have restructured judicial appointment bodies to ensure political dominance over judicial selection processes (Benvenuti, 2018). In many cases, the introduction of executive-led appointment commissions has diminished the role of independent judicial councils, effectively granting political leaders unchecked power over judicial recruitment. These manipulations compromise judicial impartiality and weaken public trust in the judiciary's ability to function independently.

A comparative analysis of different democracies shows that countries with stronger constitutional protections and independent judicial councils are better equipped to resist political interference. Nations that uphold merit-based judicial selection and enforce strict separation of powers experience fewer instances of politically motivated judicial appointments (Abuirmilah et al., 2024). These findings highlight the importance of institutional safeguards in preventing executive overreach and maintaining judicial autonomy.

Table 1. Comparative Analysis of Judicial Appointment Mechanisms

Country	Appointment Body	Selection Process	Political Influence Assessment	Constitutional Safeguards	Judicial Independence Status
Germany	Judicial Selection Committee (Bundestag & Bundesrat)	Merit-based; parliamentary approval required	Low: Bipartisan consensus needed	Strong: Basic Law protections	High: Institutionally protected
Canada	Prime Minister with advisory consultation	Merit-based with judicial advisory committees	Moderate: Executive discretion with constraints	Moderate: Constitutional conventions	High: Professional independence maintained
United States	Presidential nomination; Senate confirmation	Political consideration with professional qualifications	Moderate-High: Partisan influence evident	Strong: Constitutional appointment process	Moderate: Increasing politicization concerns
Poland (post-2015)	National Council of Judiciary (reformed)	Government-controlled appointment process	Very High: Executive dominance	Weakened: Constitutional changes undermined protections	Low: Severely compromised independence
Hungary	Parliamentary appointment (supermajority)	Controlled by ruling party	Very High: Fidesz party control	Weakened: Fundamental Law amendments	Very Low: Systematic political control
South Africa	Judicial Service Commission	Merit-based with public participation	Low-Moderate: Transparent process with oversight	Strong: Constitutional Commission	High: Independent and transparent

Source: [Landaut & Dixon \(2020\)](#); [Pech & Scheppele \(2017\)](#); [Abuirmilah et al. \(2024\)](#).

Table 1 systematically compares judicial appointment mechanisms across six countries representing diverse constitutional traditions and varying degrees of democratic consolidation. The analysis examines five critical dimensions: the institutional structure of appointment bodies, the procedural characteristics of selection processes, qualitative assessments of political influence levels, the presence and strength of constitutional safeguards, and the resulting status of judicial independence. Countries are stratified to illustrate the spectrum from robust merit-based systems with strong institutional protections (Germany, Canada, South Africa) to politically captured systems where executive or legislative dominance has effectively eliminated judicial autonomy (Poland, Hungary). The comparative framework reveals that judicial independence correlates strongly with the presence of independent or multi-partisan appointment bodies, transparent merit-based selection criteria, and entrenched constitutional protections that resist legislative or executive manipulation.

Budgetary Control and Financial Pressures on Courts

Another significant finding is the use of financial mechanisms to control the judiciary. Governments in several democratic states have strategically allocated judicial budgets to exert influence over court operations. By restricting financial resources, political leaders create dependencies that limit judicial effectiveness and discourage rulings that contradict government interests ([Crettez et al., 2025](#)). Financial manipulation includes reducing court budgets, delaying judges' salaries, and cutting funding for judicial independence programs.

An analysis of judicial budgets across different democracies reveals that financial

constraints often correlate with increased political influence over court rulings. In some cases, governments have used budgetary cuts as retaliation against courts that issue unfavorable decisions. The restriction of funding not only impairs judicial efficiency but also pressures courts to align with government preferences in order to secure financial stability. This form of control is particularly detrimental in countries where judicial autonomy is already fragile.

Countries with independent judicial budgetary committees demonstrate greater resistance to financial pressure. These nations ensure that judicial funding is allocated by independent financial bodies rather than political authorities, preventing the misuse of budgets as a tool for political control (Haggard & Kaufman, 2021). Such systems enable courts to operate without fear of financial retribution, reinforcing their ability to make impartial decisions.

Table 2. Financial Control Mechanisms and Judicial Autonomy

Country	Budget Allocation Authority	Financial Autonomy Level	Mechanisms of Financial Pressure	Documented Impact on Judicial Decisions	Resistance Mechanisms
Germany	Parliamentary appropriation with judicial budget committee	High: Independent budget planning	Minimal pressure; stable funding	None documented	Constitutional budgetary guarantees
Canada	Parliament with judicial recommendations	High: Consultation process ensures adequacy	Limited; occasional funding disputes	Minimal impact	Judicial compensation commissions
United States	Congressional appropriation	Moderate: Subject to political negotiations	Budget constraints during political disputes	Limited direct impact; indirect pressures	Constitutional salary protections
Poland	Ministry of Justice control (post-2015)	Low: Executive-controlled allocation	Strategic budget cuts for non-compliant courts	Documented self-censorship; reduced dissent	Limited; civil society advocacy
Hungary	Government budget allocation	Very Low: Direct executive control	Systematic underfunding; salary delays	Courts avoid rulings against government	Minimal effective resistance
Romania	Ministry of Justice with parliamentary oversight	Moderate: Mixed control mechanisms	Periodic budget reductions during reform disputes	Temporary pressure; some judicial resilience	Constitutional Court interventions

Source: [Haggard & Kaufman \(2021\)](#).

Table 2 documents the relationship between financial control mechanisms and judicial autonomy across six jurisdictions, analyzing how budgetary authority translates into political leverage over court operations and decision-making. The comparative analysis examines the institutional locus of budget allocation authority, qualitative assessments of financial independence, specific mechanisms through which financial pressure is applied (including budget cuts, salary delays, and resource restrictions), empirically documented impacts on judicial

behavior, and the presence or absence of effective resistance mechanisms. The data reveal a clear pattern: systems where judicial budgets are allocated by independent committees or through transparent consultative processes (Germany, Canada) maintain high levels of financial autonomy and experience minimal political pressure, whereas systems with executive-controlled budget allocation (Poland, Hungary) exhibit systematic financial manipulation that produces demonstrable effects on judicial decision-making, including documented self-censorship and reduced willingness to rule against government interests.

Legislative Constraints on Judicial Review

The research findings indicate that political leaders frequently use legislative amendments to limit judicial review powers. In several cases, governments have enacted laws restricting courts' ability to challenge executive actions, thereby weakening the judiciary's role as a check on government power (Bozóki & Hegedűs, 2018). These legislative constraints undermine the fundamental principle of judicial oversight and create an imbalance in the separation of powers.

Empirical data suggest that, in many instances, ruling parties justify these legal changes by arguing that judicial review obstructs government efficiency. Such narratives are strategically deployed to gain public support for legislative amendments that, in reality, weaken democratic accountability (Ginsburg & Huq, 2018). By limiting the judiciary's ability to rule on constitutional matters, political leaders reduce institutional barriers to authoritarian governance.

Countries with strong constitutional protections against judicial interference are less vulnerable to legislative constraints. In democratic states where judicial review powers are explicitly safeguarded by constitutional provisions, political attempts to curtail judicial oversight face greater legal resistance (Abuirmilah et al., 2024). These findings suggest that robust constitutional frameworks play a crucial role in preserving judicial independence.

Table 3. Legislative Constraints on Judicial Review Powers

Country	Legislative Amendments Limiting Judicial Review	Constitutional Basis for Review	Justification Narrative Used	Impact on Separation of Powers	Judicial Response
Hungary	Multiple amendments (2011-2020) restricting Constitutional Court jurisdiction	Fundamental Law amendments curtailed review powers	"Efficiency"; "popular sovereignty"	Severe: Executive dominance established	Limited resistance; court packed with loyalists
Poland	2017 reforms limiting Supreme Court authority	Legislative changes to court structure and retirement	"Judicial reform"; "efficiency"	Severe: Judicial independence compromised	Strong resistance; international pressure mobilized
Turkey	2017 constitutional referendum concentrating executive power	Presidential system with limited judicial oversight	"Stability"; "decisive governance"	Severe: Parliamentary system abolished	Minimal resistance; judiciary controlled
United States	Periodic legislative attempts to limit federal court jurisdiction	Constitution protects judicial review (Marbury v. Madison)	"States' rights"; "judicial activism concerns"	Limited success: Constitutional protections robust	Courts maintained review authority
Germany	No successful constraints	Basic Law protects Constitutional	N/A - attempts blocked	None: Separation of powers	Court successfully defended

Country	Legislative Amendments Limiting Judicial Review	Constitutional Basis for Review	Justification Narrative Used	Impact on Separation of Powers	Judicial Response
Brazil	Attempted reforms during Bolsonaro administration	Constitution guarantees judicial independence	"Anti-corruption"; "efficiency"	Limited: Institutional resistance successful	maintained jurisdiction Strong judicial pushback; reforms rejected

Source: [Bozóki & Hegedűs \(2018\)](#); [Ginsburg & Huq \(2018\)](#); [Pech & Scheppele \(2017\)](#).

Table 3 presents a systematic comparison of legislative attempts to constrain judicial review powers across six democracies, documenting the methods, justifications, impacts, and judicial responses to such constraints. The analysis examines the specific legislative or constitutional amendments employed to limit judicial authority, the constitutional foundations that either enable or resist such limitations, the rhetorical strategies governments use to legitimize judicial constraints (including appeals to efficiency, popular sovereignty, and anti-judicial activism narratives), the concrete effects on separation of powers principles, and the judiciary's capacity to resist or accommodate these pressures. The comparative data demonstrate that successful legislative constraints on judicial review occur predominantly in systems undergoing democratic backsliding (Hungary, Poland, Turkey), where governments exploit constitutional reform mechanisms to systematically dismantle judicial oversight, whereas established democracies with strong constitutional protections and entrenched judicial review doctrines (United States, Germany, Brazil) successfully resist such encroachments despite periodic political pressure.

Civil Society and Media Responses to Judicial Politicization

The research highlights the critical role of civil society organizations and media in resisting judicial politicization. Investigative journalism and legal advocacy groups have been instrumental in exposing attempts by political actors to undermine judicial independence ([Ginsburg & Moustafa, 2008](#)). Public awareness campaigns, protests, and legal challenges have played a significant role in holding governments accountable for judicial interference.

Analysis of civil society interventions reveals that countries with active legal advocacy organizations experience stronger resistance to judicial manipulation. Civil society groups have filed lawsuits against unconstitutional judicial reforms and mobilized public opinion to pressure governments into reversing anti-democratic policies. These efforts demonstrate the importance of external checks on government power in maintaining judicial autonomy.

However, findings also show that in countries where civil society is weak or politically suppressed, judicial independence is more vulnerable to executive control. Governments that restrict press freedom and civil activism create an environment where judicial interference goes unchecked ([Daly, 2019](#)). This underscores the necessity of a free and independent civil society in safeguarding democratic institutions.

Table 4. Civil Society and Media Interventions Against Judicial Politicization

Country	Civil Society Strength	Media Freedom Status	Key Interventions	Government Response	Effectiveness Assessment
Poland	Strong: Active legal NGOs; public protests	Moderate: State media controlled; independent outlets exist	Constitutional Tribunal cases; mass protests; EU complaints	Hostile: Delegitimization campaigns; legal pressures	Moderate: International pressure effective; domestic reform limited
Hungary	Weakened:	Low: Media	Limited legal	Repressive:	Low: Limited

Country	Civil Society Strength	Media Freedom Status	Key Interventions	Government Response	Effectiveness Assessment
	Restricted civic space	largely government-controlled	challenges; international advocacy	NGO laws; civil society restrictions	domestic impact; relies on international pressure
United States	Very Strong: Numerous legal advocacy organizations	High: Free press with diverse outlets	Strategic litigation; investigative journalism; public advocacy	Mixed: Political rhetoric but institutional respect	High: Legal challenges successful; media exposure effective
South Africa	Strong: Constitutional rights culture; active civil society	High: Independent media protected	Public interest litigation; media investigations	Generally responsive: Judicial independence valued	High: Civil society integral to constitutional enforcement
Brazil	Strong: Mobilized civil society; legal activism	Moderate-High: Free press with political pressures	Congressional testimony; public campaigns; court filings	Mixed: Political attacks but institutional respect maintained	High: Civil society contributed to democratic resilience
Russia	Severely Restricted: Suppressed civic activism	Very Low: State-controlled media dominance	Limited underground activism; international NGO work	Highly Repressive: Foreign agent laws; criminal prosecution	Very Low: Systematic suppression prevents effective resistance

Source: Ginsburg & Mustafa (2008); Daly (2019).

Table 4 analyzes the critical role of civil society organizations and independent media in resisting judicial politicization across six countries with varying levels of democratic consolidation and civic freedom. The comparative framework assesses five dimensions: the organizational strength and legal status of civil society, the degree of media freedom and independence, specific interventions employed to counter judicial manipulation (including strategic litigation, investigative journalism, public mobilization, and international advocacy), governmental responses to such interventions (ranging from institutional respect to violent repression), and qualitative assessments of intervention effectiveness in preserving judicial independence. The analysis reveals a strong correlation between civic space openness and successful resistance to judicial politicization: countries with robust civil society sectors and free media (United States, South Africa, Brazil) demonstrate significant capacity to expose, challenge, and sometimes reverse judicial manipulation, whereas severely restricted civic environments (Russia, Hungary) enable unchecked executive control over judiciaries due to the systematic suppression of external accountability mechanisms.

Discussion

The Relationship between Judicial Appointments and Political Loyalty

The findings confirm that politically motivated judicial appointments significantly weaken judicial independence. In multiple democratic states, governments have systematically altered appointment procedures to favor politically aligned judges. This practice undermines judicial impartiality and increases the likelihood of court rulings that serve government interests rather than uphold the rule of law (Pech & Scheppele, 2017).

A comparative analysis suggests that countries with independent judicial councils experience lower levels of politically driven appointments. Nations that enforce merit-based

judicial selection systems tend to have stronger and more impartial judicial institutions (Abuirmilah et al., 2024). These findings highlight the importance of institutional mechanisms in mitigating political interference in judicial appointments.

Moving forward, policy reforms should prioritize the establishment of independent judicial appointment bodies. Ensuring that judicial selection remains free from political influence can strengthen democratic resilience and enhance public trust in legal institutions. Governments should adopt best practices from successful democracies to prevent judicial capture by political elites.

Budgetary Control as a Tool for Judicial Suppression

The discussion further emphasizes that financial control is a covert but effective method of undermining judicial independence. The strategic manipulation of judicial budgets allows governments to indirectly pressure courts into compliance with political directives. This form of control is often less visible than direct judicial appointments but equally damaging to judicial autonomy.

Countries that establish independent financial bodies for judicial budget allocation tend to have more resilient court systems. Ensuring financial autonomy for the judiciary is a key recommendation for preventing political interference in court operations (Haggard & Kaufman, 2021).

Legislative Constraints and Executive Overreach

Legislative limitations on judicial review further threaten democratic accountability. Findings reveal that executive-led legal reforms often serve as a means to neutralize judicial oversight (Bozóki & Hegedűs, 2018). Weakening judicial review powers enables governments to consolidate authority and reduce institutional checks on power.

A strong constitutional framework is necessary to counteract legislative encroachments on judicial authority. Countries that enshrine judicial independence in their constitutions are better equipped to resist executive overreach (Daly, 2019). Legal scholars recommend stronger legal safeguards to ensure that judicial review remains an essential function of democratic governance.

The findings of this research confirm that political influence on judicial independence operates through multiple, often overlapping mechanisms that vary in sophistication and intensity depending on the democratic context. The effectiveness of judicial politicization depends heavily on institutional design, constitutional safeguards, and the strength of civil society and independent media. Countries with robust merit-based appointment systems, independent financial oversight, strong constitutional protections for judicial review, and active civil society demonstrate significantly greater resilience against judicial capture. Conversely, systems undergoing democratic backsliding exhibit systematic patterns of institutional manipulation—including politically controlled appointments, strategic budgetary pressure, legislative constraints on review powers, and suppression of civic opposition—that collectively dismantle judicial independence and enable authoritarian consolidation. Therefore, preserving judicial independence requires comprehensive institutional safeguards supported by constitutional entrenchment, transparent processes, financial autonomy, and vibrant civic engagement, all of which serve as mutually reinforcing protective mechanisms against executive overreach and political manipulation of the judiciary.

CONCLUSION

The findings demonstrate that judicial autonomy is increasingly under threat from political actors who seek to manipulate court rulings through judicial appointments, financial control, legislative constraints, and other forms of interference. These tactics weaken the judiciary's ability to function as an impartial arbiter of justice and threaten the broader principles of democratic governance. In many democratic nations, executive and legislative branches have strategically undermined judicial independence to consolidate power, thereby eroding public trust in legal institutions and weakening the checks and balances essential for a functioning democracy.

This research identifies several mechanisms through which political influence is exerted over the judiciary. The appointment of politically loyal judges, budgetary control over judicial resources, and the restriction of judicial review powers are among the most common strategies used to diminish judicial independence. However, the research also reveals that countries with strong institutional safeguards, such as independent judicial councils, constitutional protections for judicial review, and financial autonomy for courts, are better equipped to resist political interference. Additionally, civil society organizations and the media play a crucial role in exposing judicial manipulation and advocating for judicial independence, emphasizing the importance of public awareness and activism in preserving democratic institutions. Based on these findings, this research underscores the need for legal and institutional reforms to protect judicial independence from political influence. Establishing independent judicial appointment bodies, ensuring financial autonomy for courts, and reinforcing constitutional safeguards for judicial review are key policy recommendations for strengthening judicial autonomy.

ACKNOWLEDGEMENT

The authors would like to express their sincere gratitude to all institutions and individuals who supported the completion of this research. Appreciation is extended to the academic community and legal scholars who provided valuable insights, constructive feedback, and intellectual support throughout the research and writing process. The authors also acknowledge the contribution of public institutions, international organizations, and open-access legal databases that facilitated access to legal documents, human rights reports, and scholarly resources essential for this study. Any remaining errors or interpretations presented in this article remain the sole responsibility of the authors.

AUTHOR CONTRIBUTION STATEMENT

Adinda Zahra Fathya contributed to the conceptualization of the study, formulation of the research framework, data analysis, and drafting of the original manuscript. Rani Santika was responsible for literature review, case study analysis, methodological refinement, and critical revision of the manuscript to enhance its academic rigor. Both authors collaboratively reviewed, revised, and approved the final version of the manuscript and agree to be accountable for all aspects of the work.

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