

## From Conflict to Constitutional Repair: What Indonesia's Minority Rights Cases Teach Us About Transformative Justice

Surya Pamungkas\* 

Universitas Singaperbangsa Karawang, Karawang, Indonesia  
[surya\\_pamungkas@gmail.com](mailto:surya_pamungkas@gmail.com)

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\*Corresponding Author

### Abstract

Legal disputes involving minority communities frequently end with individual judicial decisions, yet the structural conditions producing discrimination may remain unchanged. This article examines whether Indonesian minority-rights litigation can function as a mechanism of transformative constitutional justice rather than merely dispute resolution. The study comparatively analyzes selected cases involving religious minorities, indigenous communities, and other marginalized groups to identify recurring patterns in judicial reasoning, institutional responsibility, and remedies. Employing a comparative normative and case-law methodology, the research applies transformative justice theory to evaluate whether judicial decisions address underlying structures of exclusion. The analysis suggests that minority litigation can produce important constitutional recognition, but its transformative potential depends on the scope of judicial remedies, institutional compliance, and the willingness of public authorities to reform discriminatory practices. Decisions that focus exclusively on the legality of individual administrative actions may provide limited relief without changing the institutional conditions that generated the dispute. The article therefore proposes a framework of constitutional repair consisting of recognition, institutional reform, effective remedies, and continuing judicial oversight. It argues that minority-rights adjudication should be evaluated not only according to whether a particular claimant wins or loses but also according to whether the decision reduces structural inequality and prevents recurrence. The article concludes that transformative minority justice requires courts to connect individual rights with broader constitutional responsibilities to dismantle persistent systems of exclusion.

*[Sengketa hukum yang melibatkan komunitas minoritas seringkali berakhir dengan keputusan pengadilan individual, namun kondisi struktural yang menghasilkan diskriminasi mungkin tetap tidak berubah. Artikel ini mengkaji apakah litigasi hak minoritas di Indonesia dapat berfungsi sebagai mekanisme keadilan konstitusional transformatif, bukan sekadar penyelesaian sengketa. Studi ini secara komparatif menganalisis kasus-kasus terpilih yang melibatkan minoritas agama, masyarakat adat, dan kelompok marginal lainnya untuk*

*mengidentifikasi pola-pola yang berulang dalam penalaran peradilan, tanggung jawab kelembagaan, dan upaya hukum. Dengan menggunakan metodologi normatif komparatif dan studi kasus, penelitian ini menerapkan teori keadilan transformatif untuk mengevaluasi apakah keputusan pengadilan mengatasi struktur eksklusi yang mendasarinya. Analisis menunjukkan bahwa litigasi minoritas dapat menghasilkan pengakuan konstitusional yang penting, tetapi potensi transformatifnya bergantung pada cakupan upaya hukum, kepatuhan kelembagaan, dan kemauan otoritas publik untuk mereformasi praktik-praktik diskriminatif. Keputusan yang hanya berfokus pada legalitas tindakan administratif individual mungkin memberikan bantuan yang terbatas tanpa mengubah kondisi kelembagaan yang menghasilkan sengketa tersebut. Oleh karena itu, artikel ini mengusulkan kerangka kerja perbaikan konstitusional yang terdiri dari pengakuan, reformasi kelembagaan, upaya hukum yang efektif, dan pengawasan peradilan yang berkelanjutan. Artikel ini berpendapat bahwa penegakan hak-hak minoritas harus dievaluasi tidak hanya berdasarkan apakah seorang penggugat tertentu menang atau kalah, tetapi juga berdasarkan apakah keputusan tersebut mengurangi ketidaksetaraan struktural dan mencegah terulangnya kembali. Artikel ini menyimpulkan bahwa keadilan minoritas yang transformatif membutuhkan pengadilan untuk menghubungkan hak-hak individu dengan tanggung jawab konstitusional yang lebih luas untuk membongkar sistem eksklusi yang terus-menerus.]*

**Keywords:** transformative justice, minority rights, constitutionalism, judicial remedies, structural discrimination

## Introduction

Constitutional litigation is often presented as a mechanism through which marginalized groups can challenge discriminatory laws and governmental practices. However, a favorable judgment does not necessarily transform the social and institutional conditions that produced the dispute. Courts may invalidate a provision, reinterpret a constitutional norm, or order an administrative authority to act, while bureaucratic resistance, fragmented regulation, discriminatory practices, and unequal power relations remain substantially unchanged. This gap between judicial victory and social transformation is particularly significant in minority-rights cases, where exclusion is frequently produced by institutional systems rather than a single unlawful decision. The central question is therefore whether minority-rights litigation should be understood merely as dispute resolution or as a mechanism of constitutional transformation.

Indonesia provides an important context for examining this question. The post-1998 constitutional amendments transformed the 1945 Constitution by expanding judicial review and introducing a comprehensive catalogue of constitutional rights. Equality before the law, freedom of religion and belief,

protection from discrimination, cultural identity, and recognition of indigenous communities received stronger constitutional foundations. Article 28D(1) guarantees equality and legal certainty, Article 28E protects freedom of religion and belief, Article 28I(2) prohibits discriminatory treatment, Article 28I(3) recognizes cultural identity and traditional community rights, and Article 18B(2) recognizes customary-law communities subject to constitutional requirements. These provisions provide a powerful normative basis for minority-rights claims.

Yet constitutional recognition has not eliminated structural discrimination. Religious minorities have continued to encounter difficulties in exercising freedom of religion, including problems associated with public administration, institutional recognition, and local hostility. Indigenous peoples have faced conflicts involving land, forests, resource governance, and administrative recognition. Followers of indigenous beliefs have historically experienced unequal treatment in civil registration and access to public services. The persistence of these problems demonstrates that constitutional guarantees and judicial decisions may operate within broader administrative structures that are capable of limiting, delaying, or partially neutralizing legal change.

Previous studies have examined the Indonesian Constitutional Court's contribution to equality and minority protection. Ibrahim (2022) analyzes the judicialization of discrimination in the Indonesian Constitutional Court and demonstrates that constitutional adjudication has become an important arena for developing equality principles. However, Indonesian constitutional doctrine has developed without a formal precedent system and without an exhaustive constitutional list of prohibited grounds of discrimination. This creates both flexibility and uncertainty. Courts may develop equality jurisprudence progressively, but the effectiveness of that development depends heavily on institutional interpretation and implementation.

Other scholarship has concentrated on specific landmark decisions. The Constitutional Court's Decision No. 35/PUU-X/2012 concerning customary forests has been widely regarded as a major constitutional development for indigenous peoples because it challenged the legal assumption that customary forests were simply part of state forests. The decision strengthened constitutional recognition of indigenous territorial rights, but subsequent scholarship has shown that implementation remains dependent on complex legal and administrative processes (Tobroni 2014). More recent research similarly argues that constitutional rights of indigenous peoples may remain inadequately protected when legislation and public policy fail to implement the normative consequences of Constitutional Court decisions (Akmal, Kusnandar, and Muin 2025).

A comparable pattern appears in Constitutional Court Decision No. 97/PUU-XIV/2016 concerning followers of indigenous beliefs. The decision represented a significant constitutional recognition of equal citizenship by rejecting exclusionary provisions that prevented followers of indigenous beliefs from receiving equal recognition in population-administration documents. However, subsequent

implementation required administrative adaptation and local institutional cooperation. Hidayati et al. (2025), examining Sapta Darma adherents, demonstrate that constitutional recognition can alter the legal agency of marginalized communities, but practical transformation depends on whether local governments translate constitutional principles into operational procedures.

These cases reveal an important distinction between constitutional recognition and constitutional repair. Recognition occurs when a court declares that a group possesses a constitutional right or that an exclusionary legal norm is unconstitutional. Constitutional repair is broader. It asks whether the legal system subsequently modifies the institutions, procedures, incentives, and practices that enabled the constitutional violation. A judgment may therefore be normatively progressive while remaining institutionally incomplete.

This article contributes to the literature by developing a framework of constitutional repair for evaluating the transformative capacity of minority-rights adjudication in Indonesia. The concept is inspired by transformative constitutionalism and structural-remedy scholarship but is adapted to Indonesia's constitutional and institutional environment. Transformative constitutionalism generally treats constitutions as instruments capable of restructuring unequal social relations rather than merely limiting governmental power (Klare 1998). In minority-rights disputes, however, transformation requires more than constitutional interpretation. It requires remedies that connect rights recognition to institutional change.

The article's novelty lies in shifting the analytical focus from the correctness of judicial reasoning alone toward the post-judgment life of constitutional decisions. A minority-rights judgment should not be evaluated solely according to whether it invalidates a discriminatory norm or grants relief to the claimant. It should also be assessed according to whether the decision produces durable institutional changes capable of reducing recurrence. This requires attention to implementation, administrative coordination, legal remedies, monitoring, and judicial follow-up.

The article proposes a four-dimensional model of constitutional repair. The first dimension is recognition, referring to the judicial identification and constitutional validation of previously marginalized rights. The second is institutional reform, referring to changes in laws, administrative procedures, and governance arrangements required to give effect to the right. The third is effective remedies, which provide meaningful redress rather than purely declaratory recognition. The fourth is continuing oversight, through which compliance and structural change remain subject to judicial, administrative, legislative, or public monitoring.

Methodologically, this article employs comparative normative and case-law analysis. It examines selected Indonesian cases involving indigenous peoples, followers of indigenous beliefs, religious minorities, and discrimination claims. The study does not seek to construct a statistically representative sample of all minority

litigation. Instead, it selects cases that illustrate different judicial outcomes and implementation patterns. The analysis combines Indonesian constitutional provisions, Constitutional Court decisions, legislation, scholarly research, and international human-rights standards. The article proceeds in four substantive stages. The first develops the theoretical relationship between transformative justice and constitutional adjudication. The second examines landmark Indonesian minority-rights decisions and distinguishes constitutional recognition from structural transformation. The third analyzes the institutional limits of individual remedies and the recurring problem of implementation. The fourth proposes the constitutional repair framework as a model for transformative minority justice. The final section identifies future directions for judicial, legislative, and administrative reform.

## Results and Discussion

### 1. From Individual Adjudication to Transformative Constitutional Justice

The first finding is that conventional judicial remedies may be insufficient when constitutional violations are produced by structural conditions. Traditional adjudication generally focuses on a specific dispute between identifiable parties. A court determines whether a legal rule or governmental action violates a right and then provides an appropriate remedy. This model is effective when the injury can be corrected by invalidating a particular decision, compensating the claimant, or requiring a defined administrative action. Minority-rights violations, however, often have broader causes.

Structural discrimination operates through recurring institutional patterns. A religious minority may encounter exclusion because licensing procedures allow majority preferences to influence administrative outcomes. An indigenous community may experience dispossession because forestry, land, and local-government institutions allocate authority through fragmented legal categories. Followers of indigenous beliefs may be disadvantaged because public databases and administrative forms were historically designed around dominant religious classifications. In each example, the constitutional injury is connected to institutional structures that affect more people than the original litigant.

Transformative justice therefore requires courts to consider the relationship between an individual dispute and the broader system that generated it. This does not mean that every case should produce unlimited judicial intervention. Rather, courts should determine whether individual relief alone would leave the underlying constitutional violation substantially intact. Where the source of harm is systemic, remedies should have the capacity to reach systemic causes.

Klare's (1998) influential account of transformative constitutionalism provides a useful starting point. He argues that a transformative constitution is committed to a long-term project of social change and the transformation of political and legal institutions. In such a model, constitutional interpretation is not limited to

preserving existing institutional arrangements. It may also require legal institutions to participate in reconstructing relationships shaped by historical inequality.

The concept of transformation has also influenced scholarship on social rights and structural remedies. Courts in transformative constitutional systems have sometimes developed supervisory orders, continuing jurisdiction, and other mechanisms designed to address persistent non-compliance. Bilchitz (2021) argues that transformative constitutionalism requires attention to institutional responsibilities and the practical realization of rights. Rights may remain formal if judicial institutions refuse to engage with the conditions necessary for implementation.

Indonesian constitutional adjudication contains elements that can support transformative reasoning. The Constitutional Court possesses authority to review legislation against the Constitution and has developed various forms of decision, including conditional constitutional and conditional unconstitutional rulings. These techniques permit the Court to influence statutory meaning and require legislative or administrative adaptation. Nevertheless, the Court's institutional design does not consistently provide mechanisms equivalent to the continuing supervision associated with structural remedies in some comparative constitutional systems.

This limitation is especially important in minority-rights cases. A judgment may invalidate a discriminatory provision but leave responsibility for implementation dispersed among ministries, regional governments, administrative agencies, courts, and other institutions. Without coordination, constitutional transformation can become dependent upon voluntary compliance. Consequently, the effectiveness of litigation may vary significantly across regions and institutions. The first lesson from Indonesian minority-rights cases is therefore that constitutional adjudication should be evaluated along a continuum. At one end is individual correction, where a court resolves a particular violation. In the middle is constitutional recognition, where a court establishes or clarifies a broader right. At the transformative end is constitutional repair, where recognition is connected to institutional change capable of reducing recurrence. Not every case requires movement to the final stage, but structural discrimination should trigger closer consideration of whether recognition alone is sufficient.

## **2. Constitutional Recognition in Indonesia's Minority Rights Cases**

The second finding is that Indonesian courts have produced significant constitutional recognition for minority communities, even though the transformative consequences of those decisions have varied. Decision No. 35/PUU-X/2012 is a central example. The case challenged provisions of the Forestry Law that placed customary forests within the legal category of state forests. The Constitutional Court granted the petition in part and reinterpreted the relationship between customary communities and forest governance. The decision became a major constitutional development because it rejected a framework that subordinated customary forest rights to a broad presumption of state ownership.

The decision's importance lies not only in its immediate legal effect but also in its recognition of indigenous communities as constitutional rights-holders. Tobroni (2014) argues that the decision strengthened the legal protection of customary forests by challenging inconsistent state regulation. The case therefore illustrates how constitutional adjudication can alter the legal status of a marginalized community and provide a stronger basis for subsequent claims.

However, recognition did not automatically resolve the underlying governance problem. Indigenous communities have continued to face administrative requirements concerning proof of customary existence, territorial boundaries, local recognition, and coordination among forestry and local-government institutions. Akmal, Kusnandar, and Muin (2025) similarly conclude that indigenous constitutional rights may remain inadequately protected when legislation and policy implementation fail to fully reflect Constitutional Court decisions. The case therefore demonstrates the difference between changing a constitutional doctrine and transforming the institutions responsible for implementing it.

Decision No. 97/PUU-XIV/2016 provides a second example. The case addressed population-administration rules that effectively disadvantaged followers of indigenous beliefs. The Court's ruling represented a major affirmation of equal citizenship by rejecting exclusionary distinctions in civil registration. The decision transformed the constitutional position of belief communities from one of administrative marginalization toward greater formal recognition.

The transformative potential of Decision No. 97/PUU-XIV/2016 is especially visible when examined through its implementation. Hidayati et al. (2025) show that Sapta Darma adherents experienced a shift from compelled religious impersonation toward constitutionally empowered legal agency. Nevertheless, practical change depended upon local governance. The authors found that local administrative innovation and technical guidelines were necessary to translate constitutional recognition into concrete access to marriage registration and civil documentation.

This demonstrates an important principle: constitutional recognition may change the legal language through which minority communities make claims, but constitutional repair requires institutions to modify their operational behavior. A constitutional judgment cannot by itself redesign forms, databases, bureaucratic procedures, staff training, or local practices. Those changes require administrative implementation.

A contrasting example can be found in religious-freedom litigation. Decision No. 140/PUU-VII/2009 concerning the Blasphemy Law illustrates the limits of constitutional protection where the Court gives substantial weight to public order and the prevailing institutional framework. Crouch (2012) identifies the case as a significant moment in Indonesian religion-and-constitutional law, while Human Rights Watch (2010) criticized the judgment as a setback for minority religious freedom. The case demonstrates that judicial review can also preserve existing structures of exclusion rather than transform them.

The contrast among these cases reveals that transformative potential depends partly on judicial reasoning. A court that identifies discrimination and recognizes the constitutional rights of marginalized groups can open new legal and political possibilities. A court that prioritizes existing institutional assumptions may instead reinforce the status quo. However, even progressive recognition remains incomplete when implementation is weak.

### **3. The Implementation Gap: Why Judicial Victory Does Not End Structural Exclusion**

The third finding is that the most significant obstacle to transformative minority justice is often located after judgment. Judicial decisions operate within administrative and political systems that may not automatically change. A judgment may require amendments to legislation, but parliament may delay action. It may require administrative reform, but agencies may lack resources or technical guidance. It may require local compliance, but regional authorities may interpret their responsibilities differently.

The implementation gap is especially visible in the Indonesian system because constitutional rights frequently depend upon multiple institutions. Indigenous rights may involve the Ministry of Environment and Forestry, the Ministry of Agrarian Affairs and Spatial Planning, regional governments, customary institutions, and private concession holders. Religious freedom may involve ministries, local governments, police, administrative agencies, and courts. Civil-registration rights require the coordination of national databases and local registration offices. Fragmented authority can therefore transform constitutional implementation into an institutional coordination problem.

This fragmentation explains why individual remedies are often insufficient. Suppose a member of a marginalized community wins a case against a specific administrative decision. The claimant may obtain relief, but other members of the same community may continue to face identical barriers. The institution may comply formally with the particular judgment while preserving the underlying practice. In this situation, the legal system resolves the dispute without repairing the constitutional structure.

The problem is not unique to Indonesia. Structural-rights scholarship has long recognized that complex constitutional violations may require remedies extending beyond ordinary bilateral adjudication. Abram Chayes (1976) described the transformation of public-law litigation from private dispute resolution toward cases involving institutional reform. Later scholarship on structural remedies emphasized that constitutional courts sometimes confront violations produced by organizations rather than isolated governmental acts.

However, structural remedies also create institutional concerns. Courts lack the democratic legitimacy and administrative expertise to manage every aspect of policy implementation. Excessive judicial supervision may create conflicts with the executive and legislature. Constitutional repair must therefore avoid turning courts

into permanent administrators. The purpose of transformative remedies is not judicial governance but the creation of institutional conditions under which constitutional violations are less likely to recur.

This distinction is important. Continuing oversight should be exceptional and proportionate to the nature of the violation. A one-time administrative error may require a straightforward remedy. Systemic discrimination involving recurring institutional failures may justify broader obligations, reporting requirements, deadlines, or review mechanisms. The form of the remedy should correspond to the structure of the constitutional injury.

Indonesian scholarship increasingly recognizes this implementation problem. Research concerning Constitutional Court Decision No. 35/PUU-X/2012 shows that indigenous-rights protection cannot be secured by constitutional interpretation alone when subsequent legal formation and policy implementation do not fully align with the decision (Akmal, Kusnandar, and Muin 2025). Similarly, Palguna (2021) examines the constitutional status of Decision No. 97/PUU-XIV/2016 and the continuing legal problems faced by followers of indigenous beliefs when constitutional rights remain infringed despite the Court's ruling.

The core lesson is that constitutional judgments require an implementation architecture. This architecture may include legislative revision, administrative regulations, institutional coordination, budgeting, training, accessible complaint procedures, and public accountability. Without such architecture, a judgment may remain declaratory even when its normative reasoning is progressive. The implementation gap also raises questions concerning access to remedies. A marginalized community may lack the resources to return repeatedly to court whenever an institution refuses to comply. If the only response to non-compliance is new litigation, constitutional protection becomes dependent upon legal resources that minorities may not possess. Effective constitutional repair therefore requires remedies that reduce the burden on claimants to continuously enforce the same constitutional right.

#### **4. From Recognition to Repair: A Four-Dimensional Framework**

The fourth finding is that the transformative capacity of minority-rights adjudication can be evaluated through a four-dimensional framework of constitutional repair: recognition, institutional reform, effective remedies, and continuing oversight. These dimensions should be understood as interconnected rather than sequentially rigid.

The first dimension, recognition, concerns whether the court identifies the constitutional injury and recognizes the marginalized community as a legitimate rights-holder. Recognition is important because structural discrimination often operates by making communities legally invisible. Indigenous peoples may be treated as objects of administrative classification rather than constitutional subjects. Followers of minority beliefs may be excluded from categories through which citizenship is administered. Religious minorities may be treated as exceptions to

dominant institutional norms. Judicial recognition can therefore alter the legal status of a community and expand its capacity to make claims.

The second dimension, institutional reform, asks whether the decision identifies the structures responsible for the violation. A discriminatory result may emerge from legislation, administrative regulations, licensing procedures, databases, institutional discretion, or fragmented governmental authority. Constitutional repair requires identifying which of these structures must change. A court should not necessarily prescribe every administrative detail, but it should make clear that constitutional compliance requires more than formal recognition.

The third dimension, effective remedies, concerns the practical consequences of the judgment. A remedy should provide meaningful relief to affected persons and address the nature of the violation. Declaratory judgments may be sufficient when institutions are capable of implementing them promptly. They may be insufficient where public authorities have a history of non-compliance or where the violation is systemic. In such circumstances, courts may consider conditional decisions, implementation deadlines, obligations to revise regulations, or other remedies proportionate to the institutional problem.

The fourth dimension, continuing oversight, addresses compliance after judgment. Oversight does not necessarily require permanent judicial control. It may take different forms, including reporting obligations, administrative review, parliamentary monitoring, independent human-rights institutions, or periodic judicial review. The essential purpose is to prevent constitutional rights from disappearing after the formal conclusion of litigation.

Together, these dimensions create a shift from a winner-loser model toward a recurrence-prevention model. The relevant question becomes not simply whether the claimant received justice but whether the legal system has become less capable of reproducing the same injustice. This is particularly important in minority-rights cases because the constitutional injury frequently affects communities rather than isolated individuals.

The framework can be illustrated through Decision No. 97/PUU-XIV/2016. Recognition occurred through the Court's affirmation of equal constitutional protection for followers of indigenous beliefs. Institutional reform required changes in population-administration systems. Effective remedies required the ability of individuals to obtain legally valid documents without misrepresenting their beliefs. Continuing oversight was necessary because the constitutional right could remain vulnerable to inconsistent local implementation. The transformation was therefore not complete at the moment the decision was issued.

Decision No. 35/PUU-X/2012 follows a similar pattern. The Court recognized the constitutional significance of indigenous forest rights. However, institutional reform required the adjustment of legal and administrative systems concerning forest classification and indigenous recognition. Effective remedies required communities to gain practical access to territorial protection. Continuing oversight was necessary because implementation could be affected by institutional

fragmentation and conflicting regulatory interests. The constitutional repair framework therefore provides a more demanding standard for evaluating judicial success. A decision may be doctrinally correct but remedially weak. Conversely, a decision with modest doctrinal language may produce significant transformation if it triggers effective institutional reform. The relationship between reasoning and remedy must therefore be examined together.

## 5. Judicial Remedies and the Limits of Transformative Constitutionalism

The fifth finding is that transformative justice does not require unlimited judicial activism. Courts must remain aware of institutional competence and democratic legitimacy. The challenge is to develop remedies that are strong enough to address structural discrimination but sufficiently restrained to preserve the constitutional role of political institutions.

One useful approach is dialogic constitutional repair. Under this model, courts identify constitutional obligations and require responsible institutions to develop legally adequate responses. The executive and legislature retain responsibility for policy design, but their responses must satisfy constitutional standards. Courts may review whether institutional action genuinely addresses the identified violation rather than merely providing symbolic compliance.

Conditional decisions are particularly relevant in this context. Indonesian constitutional adjudication has developed forms of conditional constitutionality and unconstitutionality that permit the Court to preserve legislation while imposing constitutional conditions on its interpretation or implementation. Such remedies can encourage institutional adaptation without requiring the Court to rewrite an entire regulatory framework. However, conditional remedies must be sufficiently clear. An ambiguous decision can produce inconsistent interpretation across institutions. Minority communities may then face different constitutional protections depending upon local administrative practice. Judicial remedies should therefore identify the constitutional defect, the responsible institution, and the minimum requirements for compliance.

Another mechanism is the use of reasoned implementation obligations. Courts need not manage administrative processes directly, but they may require public authorities to demonstrate how a judgment has been implemented. Such obligations can be especially appropriate where a constitutional violation has previously persisted despite formal legal recognition. Independent institutions also have a role in constitutional repair. The National Commission on Human Rights, the National Commission on Violence Against Women, ombudsman institutions, disability commissions, and other accountability bodies can monitor implementation and provide alternative avenues for complaints. Transformative justice should therefore not be conceived as a task performed by courts alone.

Civil society is equally important. Minority communities often play a central role in documenting violations, mobilizing constitutional claims, monitoring implementation, and pressuring institutions to comply. Constitutional

transformation is therefore a process of interaction among courts, communities, legislatures, administrative agencies, and public institutions. Judicial decisions may create an opening, but sustained transformation frequently depends upon collective institutional action.

The limitations of this model must also be acknowledged. Constitutional repair cannot eliminate every form of social prejudice. Courts cannot directly create tolerance or dissolve all majoritarian attitudes. Nevertheless, law can alter the institutional opportunities through which prejudice becomes exclusion. A public official may retain discriminatory beliefs, but constitutional rules can limit the official's ability to transform those beliefs into unequal administrative decisions. The most realistic goal of transformative minority justice is therefore not to create a conflict-free society. It is to ensure that social conflict does not repeatedly translate into constitutional inequality. Courts can contribute to this objective by identifying rights, limiting discriminatory discretion, requiring institutional change, and ensuring that remedies are capable of reaching beyond the immediate claimant.

## Conclusion

This article has argued that Indonesian minority-rights litigation should be evaluated not only as a mechanism of dispute resolution but also as a potential instrument of transformative constitutional justice. The analysis of indigenous-rights, indigenous-belief, religious-freedom, and discrimination cases demonstrates that judicial decisions can produce important constitutional recognition. However, recognition alone does not necessarily alter the institutional conditions responsible for exclusion. A community may win a constitutional case while continuing to encounter administrative barriers, fragmented authority, regulatory inconsistency, or resistance at the local level. The central contribution of this article is the concept of constitutional repair. Constitutional repair expands the evaluation of judicial remedies beyond the binary question of whether a claimant wins or loses. It asks whether constitutional adjudication reduces structural inequality and prevents the recurrence of similar violations. The proposed model contains four interconnected dimensions: recognition, institutional reform, effective remedies, and continuing oversight. Together, these dimensions connect individual constitutional claims to the broader institutional structures that determine whether rights are realized in practice.

The Indonesian experience shows that landmark decisions can become important foundations for transformation. Decision No. 35/PUU-X/2012 strengthened the constitutional position of indigenous peoples in relation to customary forests. Decision No. 97/PUU-XIV/2016 expanded constitutional recognition for followers of indigenous beliefs and provided a foundation for greater equality in civil administration. Yet both examples also demonstrate that constitutional decisions require subsequent legal and institutional action. Judicial recognition creates a constitutional opening; constitutional repair determines whether that opening produces durable change.

Future research should examine constitutional repair empirically by tracing the implementation of minority-rights decisions across different regions and institutions. Researchers should investigate which forms of remedies produce the highest levels of compliance, whether conditional decisions generate meaningful administrative reform, and how local governments respond to constitutional obligations affecting marginalized communities. Comparative research could also examine how Indonesia might adapt forms of structural remedies or dialogic review developed in other constitutional systems without undermining its own institutional structure. Further research should also investigate the role of non-judicial actors in transformative justice. Constitutional courts cannot permanently supervise every public institution. The effectiveness of constitutional repair may depend on collaboration among legislatures, ministries, regional governments, human-rights commissions, ombudsman institutions, civil society organizations, and affected communities themselves. This broader perspective would move the study of minority justice beyond courts as isolated institutions toward an examination of constitutional governance as a system. Ultimately, the lesson from Indonesia's minority-rights cases is that constitutional justice should not end when the courtroom dispute concludes. Where discrimination is structural, a remedy that merely resolves the immediate conflict may leave the constitutional injury capable of recurring. Transformative justice requires legal institutions to move from recognition toward repair: from declaring rights to restructuring the institutional conditions that deny them. The success of minority-rights adjudication should therefore be measured not only by the constitutional principles announced in judicial opinions but also by whether those principles produce a more equal constitutional order in which marginalized communities no longer need to litigate repeatedly for rights that have already been recognized.

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