

INTERPRETATION OF LEGAL NORMS: LINGUISTIC HORIZONS

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Abstract. This article is devoted to the study of the relationship between the interpretation of legal norms and linguistics in the context of the philosophy of law, theory of law, and legal methodology. The purpose of the study is to identify how the symbolic systems of language and law influence the interpretation of legal norms in various cultural and historical contexts. Methodologically, the work is based on an interdisciplinary approach that combines legal methodology, cognitive science, philosophy of consciousness, and the theory of symbolic categorization. The article utilizes quantitative and qualitative content analysis, as well as comparative methods. The rationale for the decisions of the Constitutional Court of Latvia and the Constitutional Court of Indonesia are analysed. The findings show that language and law are interconnected through symbolic codes that not only shape legal thinking, but also govern the emotional and legal behaviour of legal entities. This expands traditional ideas about law, indicating the need to integrate symbolic dimensions into the theory and practice of law. The article illustrates the complexity and diversity of legal practices that go beyond rigid formalization, and emphasizes the importance of cultural and social context in the administration of justice. This article contributes to the development of legal methodology, offering a new view of law as a complex and culturally conditioned phenomenon that demands interdisciplinary analysis.

Keywords: Legal norms, Interpretation, Linguistic, Law.

Introduction

Legal interpretation in the system of positive law (Pérez Trujillano, 2024) is traditionally viewed as a process of establishing the meaning of legal norms formalized in a text. Yet in reality, especially in Anglo-Saxon legal culture and in the practical application of the judicial discretion of the Romano-Germanic legal family, interpretation performs a more complex function: it acts as a structure for organizing legal narrative, and setting accents and logical boundaries in the discourse of law enforcement.

Law enforcement practice has its own interpretative approaches that provide logical completeness to discourse, highlight key positions, and create space for emphasizing certain legal arguments. Such paradigmatic shifts can

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perform a dual function: to structure argumentation and, at the same time, to provide an audience (for example, a court or public opinion) with the context necessary to understand the legal norm. Awareness of the value of interpretation is especially characteristic of developed legal cultures with a high degree of professionalization. As the history of Western legal tradition has shown, both in the era of legal formalism and legal postmodernism, interpretation remains an arena for the professional skill of lawyers, prosecutors, judges, and other law enforcement officers due to the emphasis on differences between a professional lawyer and other members of society.

The key feature of formalized jurisprudence (Monateri, 2024) is the wish to depersonalize the judge as a subject of law enforcement. In this context, a court decision (Zaman, 2024; Pietrzyk, 2025; Aritonang, et al., 2025) becomes a product of the system and procedures, rather than the individual view or conscience of the judge. Even in modern Western societies, a judge is often forced to adhere strictly to the provisions of the law, thereby minimizing the personal element (Janicki, 2024). This helps maintain the stability and predictability of the legal order, which is one of the fundamental values of the legal system. However, although such standardization promotes legal security and equality before the law, it also deprives the system of flexibility and the ability to adapt to evolving social (Fjellborg, 2025) realities.

In modern law enforcement practice, deviations from the formally “correct” interpretation of norms are often observed, which can be considered as a kind of variability of law. Rather than errors in the conventional sense, these deviations instead represent conscious and structured interpretations conditioned by specific social context, even religion (Vilks et al., 2025) and in the broader socio-cultural scope. Law enforcement officers often adapt (McNamara et al., 2025) legal norms based on certain unspoken rules and principles that ensure flexibility in the application of law.

The ability of law enforcement officers to recognise and interpret the law is no less rigorous than formal systems, but is distinguished by a higher degree of flexibility and adaptability. In this context, deviations from the “correct” legal norm should not be interpreted as simple errors or arbitrariness, since they are conscious and justified actions reflecting the living and dynamic nature of legal traditions. They act as an element that contribute to the social impact of law enforcement within a specific legal culture. In Anglo-Saxon legal systems, such an approach is often perceived as a manifestation of the skill of the law enforcement officer and helps to strengthen public confidence in the law. At the same time, in more formalized Romano-Germanic legal systems, manifestations of such an approach are sought to be minimized or excluded, since it is perceived as a threat to the stability (Vilks et al., 2024) and predictability of law enforcement. The standardization of legal procedures and norms aims to ensure a single, objective “sound” of the law, which reduces the role of a law enforcement officer’s subjective interpretation and increases the weight of text and formal rules. In the context of formalized law, interpretation is disciplined (rules are established, where any methodological deviation can be perceived as an error or abuse) but it is also within the framework of these restrictions that the struggle for the power of legal persuasion is performed. The persuasiveness of legal interpretation (Milian Gómez, 2024) is something more than dryness or emotionality - it is the point of intersection of personal legal intuition, cultural stereotypes, and the legal self-awareness of society.

The purpose of this article is to explore the significance of the linguistic element in the problem of interpretation of legal norms - to identify how emotional, historical, and idiomatic elements shape the structure of legal meaning in different cultural contexts. The article uses comparative analysis, quantitative content analysis, and qualitative content analysis.

The authors take full responsibility for the publication's content, declaring adherence to the highest standards of scientific integrity. AI-assisted technology was used in the preparation of this article for checking grammar and spelling.

1. Theoretical background

1.1. Language as a structuring element in the interpretation of a legal norm

In legal practice, the proper interpretation of legal norms plays no less an important role than the canonical text of the legal norm. Interpretation provides an opportunity to adapt established norms to a new context (Bárány, 2024), thereby performing the function of legal commentary or even practical legal development. With the introduction of stenography in court hearings (and subsequently the advent of audio and video recording of hearings), the very perception of the interpreter has changed over time: the law enforcement officer became the subject of constant observation, the interpreter's statements began to be not only recorded, but also archived, therefore he was forced to correlate statements with the possibility of future criticism, and, accordingly, with the question of his own reputation. This gave interpretation a new facet - self-reflexivity. Consequently, interpretation in law is not only a tool for finding meaning, but also an expression of power, the legal self-awareness of society, cultural memory, and institutional legitimation. The rules here are important not only for how to understand the norm, but also for who has the right to this understanding, to what extent, for what purpose (Durguti et al., 2024), and in whose interests. In the interpretation of legal norms, law as such therefore intersects with the philosophy of language (Spaić & Isibor, 2024), the theory of power, and the cultural studies of justice (Potacs, 2024).

There is a deep connection between linguistic (Ajenifari et al., 2025; Römer-Barron & Cunningham, 2024) and legal perception, since both are built on certain cognitive (Wojtczak & Zeifert, 2025) and symbolic frameworks. Changes in meanings and ways of using language lead to transformations in symbolic memory, which is responsible for the categorization, association, and management of meanings. Symbolic processes are also accompanied by psychosomatic reactions, i.e. they include emotional and legal experiences (Petrażycki, 1955). Law, like language, is based on universal constants, but specific meanings and ways of expression depend on the cultural context in which it functions as a symbolic communication system. Forms of traditional law, especially those focused on utilitarian social functions, more often use "compressed legal codes" due to the collectivity of the roles of participants in law enforcement activities. The symbolic and emotional content of such forms of law is more laconic and closely related to specific social situations. In contemporary legal postmodernism, the roles of law enforcement officers are more individualized, and more articulated and analytical legal codes (Juan et al., 2024) are used. Interpretation thus becomes a unique form of legal subjectivity.

A special type of such interpretation is legal commentary, which functions as a reference, reformulation, or critical intervention in the paradigmatic stereotypes of the legal norm. These interventions not only consolidate certain forms in the memory of society, but also create a distance in which a meaningful critical or symbolic legal statement is possible - they activate not only the meaning, but also the meta-commentary. At the same time, at the centre of legal interpretation is not just a normative legal act, but an integral complex of meanings, cultural attitudes, habits, and professional automatisms accumulated by the interpreter. In such a situation, the true criterion of successful interpretation is the subjective feeling that something truly significant has been expressed. In traditional legal systems, as well as in postmodern law, interpretation covers not only the semantic but also the structural level - interventions occur on many hierarchies, from the general structure of the legal norm's text to the process of law enforcement. The degree of the necessary skill of the interpreter depends on the complexity of the legal form and the nature of the paradigm. For example, in postmodernism, interpretation requires a much deeper and more sophisticated approach than in most traditional legal practices. However, in legal systems that exhibit a high degree of formal complexity, considerable preparation is also required.

In cases of interpretative legal practice involving several law enforcement agents (e.g. a lawyer, a prosecutor, a judge), a clear distribution of functional roles is required. Some of them provide a stable normative and

procedural basis for the process, while others interpret it, introducing specific semantic clarifications, additions, and adjustments. In the course of law enforcement interaction, role relationships are formed between the participants, similar to elements of a discursive dialogue (Janicki, 2024): the parties can respond to each other's actions and give legal comments, thereby forming the dynamics of the procedure.

Interpretive actions may take the form of repeating known legal constructions, rethinking them, or deviating from the established interpretation. Such actions are performed within the permissible normative space, and they can introduce important accents, revealing an individual or institutional interpretative position. Historically, a similar discursive structure can be found in traditional legal cultures. So, some systems had ritualized procedures for opposing arguments and refuting them, accompanied by the interaction of legal authorities with varying degrees of freedom and status responsibility. Similar role structures can be observed in modern justice - in adversarial models of legal proceedings, where each actor plays a certain role in the general mechanism of interpreting the law.

It is important to note that even in cases where the process of interpretation appears free and spontaneous, it is rarely completely unlimited. As a rule, law enforcers interpret specific legal norms, specific precedents, or specific legal positions that are part of the general legal field recognized by society. Interpretation can be flexible, but it always correlates with legal expectations formed both on the basis of a stable tradition and as a result of institutionalized procedures. In some cases, the structure of the interpretation process is set in advance (for example, in the form of a certain order of submitting arguments, stages of consideration of court cases), in other cases the structure of the process is formed situationally, depending on specific circumstances. Thus, interpretation within the framework of legal practice always balances between institutionally fixed procedures and an individualized understanding of the normative content. This two-layered nature allows both the maintenance the continuity of legal decisions, and ensures the adaptation of the norm to a changing context.

1.2. Interpretation and legal continuity

In the perception of a legal norm, not only its content but also the recognition of its form plays a crucial role. Society is capable of critically reacting (Harigovind & Rakesh, 2025) to familiar structural elements, comparing them (Monateri, 2024) with stereotypes already fixed in the collective memory. This position is formed on the basis of an awareness of the differences between borrowed elements of tradition and new variable constructions. A tension therefore arises between continuity and interpretation, between the virtual archive of legal norms and current practice.

Legal perception, when confronted with a repeated but partially modified expression of a familiar norm, activates the mechanisms of comparison and "legal expectation". These expectations can be confirmed - then the interpretation is perceived as canonical - or violated, which can provoke criticism, doubt or, conversely, fresh interest. Thus, legal variability works as a tool for activating legal consciousness: it requires the addressee not just to assimilate the norms, but to be involved in legal thinking. This makes the legal tradition flexible and vibrant. If the legislator introduces legal novelty through a form already familiar to society - not simply by creating new legal structures, but also by rethinking established structures, then the law enforcement interpreter "revitalizes" the perception of the legal norm and correlates it with a real case. The legislator's constant return to familiar legal models is not a sign of system limitations, but rather reflects a deep psychological attitude towards stability and recognition that is necessary to maintain law and order. At the same time, it is interpretation that serves as a powerful channel for renewing the perception of law: society, recognizing the form, evaluates its content anew in the light of new contexts.

In addition, modern legal systems often encourage the free circulation of forms, erasing the boundaries between a legal norm and its interpretation. In such a system, legal argumentation often turns into a reference to symbolic

codes, with which both the legislator and the law enforcement officer work. Those in the legal field are guided not only by the text of the law, but also by familiar interpretative patterns, supported by precedent, tradition, or socio-cultural expectations of society. As a result, legal communication functions as a multi-layered text, which combines current legal norms, interpretative practices, and historical memory. Comparison of old and new versions of a legal norm, their combination and difference form a dynamic system of meanings. This enables the law not only to repeat, but also to develop.

The lawmaking activity of the legislator often relies on certain legal stereotypes - stable formulations, idioms, already accumulated within the relevant legal paradigm. A major part of the interpretative process in law therefore comprises not in creating something completely new, but rather in working with familiar material: in rethinking and structurally embedding the norm in a specific context. Thus, the richer the available "dictionary" of legal stereotypes, the more flexibility the interpreter and legislator acquire. Modern legal consciousness, saturated with information due to global access to various legal traditions, allows the interpreter to proceed from different legal styles.

Working with the legal paradigm is necessarily accompanied by similarities between acts of lawmaking. This occurs both due to historical dependence and also as a result of the normative limitations of the socio-cultural context itself. The stricter the canons of a certain legal era or system, the less scope for interpretation - and the more noticeable the similarity between individual acts of lawmaking. At the same time, even deliberate borrowings (e.g. references to foreign normative legal acts (Werner, 2024) or foreign legal traditions) - can serve as an instrument of legal expression. Both in traditional legal culture and in postmodernism, such references do not necessarily indicate dependence or imitation; on the contrary, they become means of legal communication. These intertextual inclusions activate the effect of presence in the addressee of the legal norm, turning the legal act into an event of interpretation. Consequently, legal interpretation is not so much an autonomous act of a law enforcement officer, as an action that correlates with a multitude of signs, codes, and stereotypes already stored in the memory of the legal culture. It follows that even in the most "individual" act of interpretation, the collective voice of tradition is hidden, and any interpretation of a norm is possible only in the presence of the legal norm itself as a point of reference.

The legal self-awareness of society in legal interpretation is a relative concept, which is a product of historical and cultural selection. That which is perceived as a correct and socially supported (Fjellborg, 2025) interpretation of legal norms in one era, may be interpreted as daring and outlandish in another. Changes in society's legal self-awareness are easily traced using comparative legal history as an example. Thus, the differences between European and American judicial schools, styles of conducting trials, and styles of argumentation in public speeches indicate stable yet historically evolving models of interpretation.

In the course of lawmaking, a stable set of morphological stereotypes characterizing the legal paradigm is formed and gradually develops. These stereotypes become the basis of collective legal consciousness and create a recognizable legal environment. When references to such stereotypes become self-evident, and the vocabulary of reproduced clichés stabilizes, the phenomenon of formalism arises - a state typical of 'academic law'. However, if these references are accompanied by interpretations, they contribute to the dynamic renewal of the paradigm. The gradual transformation of the system occurs precisely due to such work with legal material. It should be noted that the presence of standard solutions provided by the legal paradigm greatly simplifies the lawmaking process. The legislator is not obliged to create all legal material from scratch, since most of the structure is already defined by the system. The higher the degree of legal paradigm standardization, the more the legislator is inclined to rely on the mechanical reproduction of the morphological elements enshrined in the legal tradition. Interpretation in this context acts as a form of conscious intervention. By creating such a structure, the legislator consciously interacts with the expectations of public opinion (Zhang, 2024) - either confirming them, or postponing their implementation, or directly violating predictability.

This strategy of the legislator allows two main goals to be achieved: firstly, the economy of legal material - the legislator can build a long-term legal statement without resorting to the constant creation of something new, but effectively processes a limited set of structures; secondly, the unification of the legal statement - the legal material is more effectively fixed in the socio-cultural collective memory of society. On the other hand, achieving these goals has a reverse side - the need to provide law enforcement officers with the freedom to properly interpret legal norms. The courtroom becomes the place where abstract legal categories are translated into socially intelligible meanings, revealing the extent to which law depends on the linguistic forms and cultural imaginaries within which it is articulated. A deeper understanding of how language structures legal interpretation can be strengthened by examining concrete judicial practices across different legal cultures (Indonesia and Latvia).

2. Materials and methods

The study utilizes quantitative and qualitative content analysis, as well as comparative methods.

Material: reasoning from decisions of the Constitutional Courts of Latvia and Indonesia. The most socially significant cases, considered in different years, were selected: 10 decisions of the Constitutional Court of Latvia (e.g. including cases that relate to the Official Language Law, Maintenance Guarantee Fund Law, Amendments to the Education Law, Amendments to Immigration Law, issues of dual citizenship, etc.) and 10 decisions of the Constitutional Court of Indonesia (e.g. including cases that relate to issues of water resources use, holding regional head elections, electronic information and transactions, opportunities to run for election, etc.). A full list of analysed cases can be found in the "References" section.

A comparative analysis of constitutional interpretation requires identifying those structural elements of legal reasoning that are not only formally manifested in judicial decisions, but also reflect the underlying mechanisms of legal thinking in different cultural contexts. To achieve this goal, the study focuses on three key dimensions: 1) the emotional and symbolic foundations of legal reasoning; 2) the socio-historical context of legal interpretation; 3) the structure of legal idiom and types of legal thinking. The choice of these aspects is motivated by the wish to go beyond traditional formal-dogmatic analysis, and to demonstrate how law functions as a cultural, symbolic, and cognitive system. For each judicial decision, a structured content analysis of the reasoning sections was conducted: 1) lexical-semantic (what words are used), 2) argumentative (how the words are embedded in the logic of reasoning), 3) cultural-historical (what narratives are implied by the text).

To conduct a content analysis of the reasoning of decisions of the Constitutional Courts of Latvia and Indonesia, the following marker coding table was developed:

Code	Search category of (number detected markers)	Subject of the marker search	Potential examples	Subject of qualitative analysis
LEXICAL-SEMANTIC LEVEL				
LS1	Emotionally charged concepts	Words with moral, value, or emotional connotations	Dignity, harmony, justice, memory, order, security, freedom	Quote, context
LS2	Symbolic identity markers	Words associated with national, religious, or cultural symbols	National language, cultural heritage, values	Word and symbol type
LS3	Historical terms	References to periods, events, traumas, colonization, or occupation	Independence, traditional law	Word and time period

LS4	Legal idioms	Recurring terms characteristic of national legal culture	Public order, human rights, proportionality, public morality	Recurrence and context
LS5	Universalist/local categories	Categories of global law or local custom	Rule of law, legal standard, national value	Category type
ARGUMENTATIVE LEVEL				
AR1	Emphasis on the formal-logical structure of an argument	Normative, teleological, historical-value, moral	Interpretation of the purpose of a norm; balance of rights; reference to a moral foundation	Reasoning type
AR2	Emotional element	How emotion/symbol strengthens an argument	Legitimization, protection of traditions, restraint of society from conflict	Description of application
AR3	Historical element	The role of history in a court's conclusion	Justification of restrictions, reinforcement of rights, historical trauma	Function statement
AR4	Connection of cultural norms with legal position	How local culture structures a conclusion	Referential nature, central basis	Degree of dependency
AR5	Application of legal principles	What principles are used and how	Proportionality, rule of law, social harmony	Principle type
AR6	Idiomatic constructions	Stable formulas of national legal thinking	Foundations of moral order	Specific example
CULTURAL-HISTORICAL LEVEL				
CH1	Historical Narrative	What "narrative of the past" is embedded in the argumentation?	Struggle for independence; colonial legacy	Brief reconstruction
CH2	Cultural Framework	The value system through which the court interprets the norm	Religious, national-state, legal	Frame type
CH3	Identity Narrative	Who constitutes the "people" or political community?	Multinational people, nation, postcolonial community	Image description
CH4	Normative Function of Culture	How is culture used to limit or expand rights?	Restriction of freedom for the sake of tradition, expansion of rights for the sake of modernization	Action type
CH5	Geopolitical Framework	Where does the court place the country in the global context?	Integration, national path; postcolonial reconstruction	Direction
CH6	Hidden Metanarratives	Indirect value or ideological assumptions	Collectivism, individualism, modernization, tradition	Brief description

Table 1. Marker coding table

3. Results

3.1. Quantitative results of the comparative analysis

The quantitative content analysis yielded the following results. The number of lexical-semantic markers reveals significant differences in the stylistic and conceptual focus of judicial discourse in the two countries. Emotionally charged concepts (LS1) are significantly more common in Indonesian Constitutional Court decisions (104 versus 16). Indonesian reasoning is characterized by greater expressiveness and a desire to emphasize the social significance of issues at hand. In Latvia, such vocabulary is minimized, reflecting a focus on a restrained legal style. Symbolic markers of identity (LS2) are also more prominent in Indonesian decisions

(63 versus 7). Historical terms (LS3) and legal idioms (LS4), in contrast, predominate in Latvia (84 and 113, respectively), while they are fewer in Indonesia (47 and 32). This demonstrates that Latvian judicial reasoning relies more heavily on historical legal tradition and established legal language. The category of universalistic and local concepts (LS5) is also more common in Latvian decisions (88 versus 36).

At the level of argumentation structure, the differences between the systems are even more pronounced. Emphasis on the formal-logical structure of argumentation (AR1) is noticeably dominant in Latvia (126 versus 40). Latvian decisions are built around strict logical frameworks and legal constructs. In contrast, Indonesia exhibits the opposite trend—a significant increase in the emotional element (AR2) (133 versus 11). The historical element (AR3) is present in both cases, but is more common in Indonesia (104 versus 73), which correlates with the overall cultural and historical richness of Indonesian legal discourse. The category of the connection between cultural norms and legal positions (AR4) is also significantly more pronounced in Indonesia (116 versus 56), indicating the close integration of legal reasoning with traditional and cultural contexts. Latvia significantly outperforms Indonesia in the frequency of application of legal principles (AR5) (38 versus 8). Idiomatic constructions (AR6) are more common in Indonesian decisions (96 versus 45).

The quantitative results of the "Cultural-Historical Level" markers reveal significant differences in the reasoning of the two countries' decisions. Historical narrative (CH1) and cultural framework (CH2) are present in the decisions of both countries, but are somewhat more common in Indonesia (81 versus 49 and 80 versus 66, respectively). Identity narrative (CH3) is widely used in both Latvia and Indonesia, but is even more prominent in the latter country (114 versus 102), which is consistent with the general trend of strengthening the symbolic and value-based layer. The category of the normative function of culture (CH4) is almost absent from Latvian decisions (3 cases versus 74 in Indonesia), demonstrating a significant difference in the understanding of the role of culture in shaping the court's legal position. The differences are particularly pronounced in the geopolitical frame indicator (CH5)—117 markers in Indonesia versus 58 in Latvia. Finally, hidden metanarratives (CH6) are significantly more common in Indonesian texts (48 versus 9), indicating deeply rooted cultural and historical interpretive frameworks influence judicial reasoning.

The quantitative results of the comparative content analysis are summarized in Table 2:

Code	Category	Latvia (10 cases)	Indonesia (10 cases)
		Total number of markers detected	Total number of markers detected
	LEXICAL-SEMANTIC LEVEL		
LS1	Emotionally charged concepts	16	104
LS2	Symbolic identity markers	7	63
LS3	Historical terms	84	47
LS4	Legal idioms	113	32
LS5	Universalist/local categories	88	36
	ARGUMENTATIVE LEVEL		
AR1	Emphasis on the formal-logical structure of an argument	126	40
AR2	Emotional element	11	133
AR3	Historical element	73	104
AR4	Connection of cultural norms with legal position	56	116
AR5	Application of legal principles	38	8
AR6	Idiomatic constructions	45	96
	CULTURAL-HISTORICAL LEVEL		
CH1	Historical Narrative	49	81
CH2	Cultural Framework	66	80

CH3	Identity Narrative	102	114
CH4	Normative Function of Culture	3	74
CH5	Geopolitical Framework	58	117
CH6	Hidden Metanarratives	9	48

Table 2. The quantitative results of the comparative content analysis

3.2. Qualitative results of the comparative analysis

In the analysed material, the judicial discourse of the Constitutional Court of Latvia is characterized by a predominance of bureaucratic-administrative and technocratic-legal language, emphasizing factual precision and strict legal formalization. Frequent references to case materials and detailed formal descriptions create a neutral, "aloof" tone, consistent with the established traditions of European legal writing. Emotional and symbolic language is virtually absent.

Moral and value-based language plays only a supporting role, and rarely influences the structure of argumentation. However, an important element is the historical-cultural register, which often reiterates the theme of the trauma of occupation. Here, history functions not as a cultural resource, but as a factor of legal vulnerability and an argument in favour of protecting identity and stability. Legal language is structured around concepts such as proportionality, balancing interests, and functional context, reflecting a high degree of procedural rationality. Indonesian court decisions display a different linguistic pattern. Moral, value-based, and ideological language dominates. Judges actively use categories such as "people," "justice," "moral order," and "harmony"—phrases repeatedly enshrined in political culture, particularly in the ideological principles of Pancasila. Emotional and symbolic language is expressed through soft expressiveness and the use of religious, cultural, and national formulas. Historical and cultural language emphasizes history not as a threat, but as the foundation of a unifying national identity. A legal-technocratic language is present, but it plays a secondary role to value-based and ideological constructs.

With regard to types of arguments, qualitative content analysis yielded the following results. The analysed Latvian court decisions are based on formal legal reasoning, built on an analysis of norms, their hierarchy, procedural requirements, and legal principles. Normative and value-based argumentation is rare and used primarily as an auxiliary element. The historical-doctrinal component, linked to the period of occupation, is a significant factor: it forms the context for arguments related to the protection of the state, language, and identity. Teleological argumentation is pragmatic in nature—based on the functional goals of regulation rather than on value-based ideals. The comparative legal approach is used sparingly: references to the practice of the EU and other countries are present, but not dominant. In the analysed Indonesian judicial decisions, the central mechanism is normative-value argumentation based on the values of Pancasila, social harmony, and moral principles. Formal legal argumentation plays a secondary role, often serving to formalize the decision, but does not determine its structure. Historical-doctrinal argumentation is expressed through appeals to Pancasila as the ideological basis of the legal order, making it not simply a historical factor but an active doctrine. Teleological argumentation is imbued with ideological implications: the goals of norms are considered in the context of strengthening national identity, harmony, and unity. The comparative legal method is rarely used—the national ideological context is perceived as self-sufficient.

The qualitative results of the comparative content analysis are summarized in Table 3:

Language		
Description	Latvia (10 cases)	Indonesia (10 cases)
Bureaucratic-administrative, neutral language	Massive use: statistics, references, case materials	Present, but secondary
Moral-value, ideological register	Auxiliary	Powerful layer: harmony, people, moral order, justice
Emotional-symbolic language	Virtually absent	Soft emotionality, religious and cultural formulas
Historical-cultural language	Occupation trauma	History as identity, not as danger
Technocratic-legal register	Proportionality, lenient measures, and functional context predominate	Present, but rarely structures the text
Argumentation		
Formal-legal argumentation	Basis for decisions	More of a supporting role
Normative-value argumentation	Rare	Key mechanism
Historical-doctrinal argumentation	Occupation as a legal factor	Pancasila as a doctrine
Teleological argumentation	Pragmatic	Ideologically rich
Comparative-legal argumentation	Moderately used	Rarely used
Cultural-historical foundations		
Socio-cultural situation as a factor in law	Language environment, ethnodemography	Diversity, intergroup relations
Institutional/political tradition	Party system, occupation experience	Role of the state as a mediator
Deep cultural narrative	Occupation trauma, identity threat)	Harmony, Pancasila, national spirit
Religious layer	Absent	Present - for example, quotes from Islam

Table 3. The qualitative results of the comparative content analysis

4. Analysis of results and discussion

4.1. General observations

A comparative analysis of the lexical-semantic, argumentative, and cultural-historical structures in the decisions of the Constitutional Courts of Latvia and Indonesia reveals two significantly different types of legal rationality, rooted in different historical memories, political-cultural traditions, and the symbolic foundations of legal discourse. Quantitative coding reveals that Latvian decisions are characterized by a high density of technocratic and formal-legal vocabulary, as well as frequent references to historical-political memory associated with the experience of occupation and statehood. This shapes a type of legal argumentation in which historical trauma and questions of protecting the democratic order serve as key justifying factors. Latvian discourse is characterized by a desire for normative predictability, legal precision, and institutional coherence, which is manifested both in the predominance of formal interpretation and in the use of comparative elements as a tool for confirming European legal identity.

Indonesian decisions, by contrast, feature a significantly higher frequency of moral, value-based, religious, and symbolic vocabulary, and are characterized by abundant references to Pancasila, religious norms, and concepts of community harmony. The dominant modes of argumentation are teleological, value-based, and institutional-

philosophical, demonstrating a legal culture that perceives the Constitution as a living ethical and political document oriented toward ensuring the collective good. Unlike Latvia, where legal decisions are largely based on the historical legitimization of state institutions, the Indonesian model emphasizes the need to balance individual rights with social harmony, which is a central element of the state narrative.

Both jurisdictions demonstrate the use of strong cultural and historical foundations, but these are structured differently: in Latvia through the memory of a threat to statehood, while in Indonesia through integrative and religious values. Thus, legal interpretation in both countries goes beyond positivist methodology, but follows different trajectories: Latvian—institutional-historical, Indonesian—moral-teleological. This demonstrates that legal systems function not as neutral mechanisms for applying norms, but as cultural systems that support different models of legal consciousness and legitimation.

4.2. Indonesia: Linguistic ambiguity, communal values, and the symbolic weight of “keadilan” (justice)

The Indonesian legal landscape provides a uniquely fertile environment for examining the linguistic and symbolic constitution of legal meaning. Following the collapse of the authoritarian regime in 1998, the post-Reformasi era ushered in a renewed commitment to constitutionalism (Diprose et al., 2019), decentralization, and the recognition of human rights (Hermanto et al., 2025). Yet this institutional transformation unfolded within a society whose legal consciousness remained deeply shaped by *adat* traditions, religious moralities, and the nation’s ideological foundation in *Pancasila* (Iskandar, 2016). As a result, judicial interpretation in Indonesia frequently emerges at the intersection of formal statutory language and culturally embedded symbolic vocabularies. This layered environment illuminates how legal norms acquire meaning not merely through textual boundaries but also through collective memory, emotional resonance, and socio-historical identity (Wardhani et al., 2022).

Indonesian courts often confront linguistic ambiguity directly, particularly when statutory terms carry moral or cultural significance (Hermanto, 2021). A prime example is the judicial treatment of *keadilan* (justice). Unlike in Western jurisprudence, where “justice” often functions as an abstract normative principle, Indonesian judgments regularly infuse the term with communal meaning, articulated through expressions such as *rasa keadilan masyarakat*—the community’s sense of justice (Lailam & Anggia, 2023). This phrase, though lacking doctrinal precision, wields profound symbolic weight. It is deeply connected to Indonesia’s socio-cultural expectations of harmony, balance, and moral propriety (Bin-Armia et al., 2024).

This interpretive tendency is vividly seen in land disputes involving customary communities. Several Supreme Court decisions concerning *tanah ulayat* demonstrate how judges extend statutory definitions of ownership and control to accommodate the historical and emotional ties between indigenous groups and their ancestral lands. Rather than adopting a strictly positivistic approach, the Court evaluates the dispute through the symbolic lens of collective stewardship and social harmony (Butt & Murharjanti, 2022). The legal meaning of ownership is thus reconstructed through linguistic and cultural idioms specific to Indonesia’s pluralistic society.

A similar pattern emerges in the Constitutional Court’s landmark decision *Putusan MK No. 35/PUU-X/2012*, where the Court distinguished *hutan adat* from state forests. Here, the Court transformed statutory language by grounding its interpretation in the socio-historical identity of indigenous communities (Sari & Fu’adah, 2014). The term *masyarakat hukum adat*, typically treated as a legal category, was reinterpreted as a culturally living entity shaped by centuries of communal practice (Wiratraman, 2020). This reasoning confirms that, within Indonesian jurisprudence, legal language acquires authority through its alignment with cultural memory and emotional legitimacy.

The linguistic construction of legal meaning also appears in decisions concerning individual rights and morality. In *Putusan MK No. 46/PUU-VIII/2010*, regarding the civil status of children born outside marriage, the Court infused the concept of *martabat manusia* (human dignity) with socio-cultural narratives about child protection and communal ethics (Kusmayanti et al., 2023). This decision revealed that the Court understands legal interpretation as a process of negotiating linguistic symbols through the prism of cultural expectation and constitutional morality.

The symbolic dimension of legal language is not confined to constitutional adjudication. The Supreme Court often employs culturally embedded terms such as *kepatutan* (appropriateness) and *kewajaran* (reasonableness) in administrative disputes. In *Peradilan Tata Usaha Negara*, these terms become operative legal standards through which judges assess the legitimacy of administrative discretion. Their meaning is shaped not by rigid doctrinal construction, but by societal expectations concerning fairness, proportionality, and bureaucratic integrity. By invoking *kepatutan* and *kewajaran*, the judiciary activates an emotional-symbolic vocabulary that helps bridge statutory provisions with lived administrative realities.

Moreover, Indonesian jurisprudence on human rights adjudication—particularly in cases reviewed by the Human Rights Court—demonstrates the interdependence between legal language and historical trauma. Proceedings related to past human rights violations often rely on terms such as *hak asasi*, *kemanusiaan*, and *keadilan universal*, which carry heavy symbolic and emotional significance in a nation grappling with the legacy of state violence. The courts' engagement with these terms reflects a broader societal struggle to reconcile formal legality with moral accountability, memory, and collective healing.

Electoral and constitutional litigation further illustrate this pattern. Decisions such as *Putusan MK No. 22-24/PUU-VI/2008* on electoral thresholds draw on the symbolic resonance of *kedaulatan rakyat* - people's sovereignty (Hijrah, 2024). While the phrase is enshrined constitutionally, the Court interprets it in light of post-authoritarian democratic aspirations, imbuing the term with a historical narrative of resistance and political emancipation.

A particularly revealing example can be found in the Constitutional Court's landmark *Decision No. 85/PUU-XI/2013* on the Water Resources Law, where the Court asserted that water is a *cabang produksi yang penting bagi negara*—a constitutional phrase whose meaning is interpreted not merely through economic logic but through the cultural imagery of water as a communal life-source (Kartika et.al., 2025). The Court's interpretation expanded beyond textual formalism, invoking the symbolic role of natural resources in sustaining collective welfare and environmental stewardship. The legal meaning of "state control" was thus reframed as an ethical responsibility grounded in cultural understandings of balance (*keseimbangan*) and care (*pengayoman*).

Similarly, *MK Decision No. 005/PUU-I/2003* on the Broadcasting Law illustrates how the Court moved away from a literal reading of regulatory provisions toward a symbolic interpretation that treats information flows as part of the moral infrastructure of democracy. Here, the Court infused terms such as *kepentingan umum* (public interest) and *kehidupan demokratis* (democratic life) with emotional and historical significance rooted (Windrawan, 2014) in Indonesia's struggle against state-controlled media under the New Order. Through such framing, linguistic expressions became repositories of democratic memory as much as legal categories. The Constitutional Court's reasoning in *MK Decision No. 100/PUU-XIII/2015* on the Election of Regional Heads further underscores the symbolic nature of constitutional language. While the statute offered procedural descriptions of regional elections, the Court reinterpreted them through the conceptual lens of *kedaulatan rakyat* (Nazriyah, 2016). Here, sovereignty was not treated as a technical principle, but as a cultural symbol of post-authoritarian political emancipation. The Court's linguistic reframing reveals how constitutional terms evoke collective emotional experiences, shaping interpretive outcomes beyond the textual structure of the statute.

The Supreme Court exhibits a similar approach. In *MA decisions concerning environmental disputes*, for instance, judges have relied heavily on the culturally charged vocabulary of *pembangunan berkelanjutan* (sustainable development) and *kelestarian lingkungan* (environmental preservation). These terms function as more than policy goals; they symbolize a moral expectation deeply rooted in community relationships with nature.

The symbolic–linguistic method is also visible in judicial treatment of morality and public order. In *Putusan MK No. 48/PUU-VIII/2010* concerning judicial review of the Pornography Law, the Court acknowledged the impossibility of assigning a singular meaning to terms such as *kesusilaan*, *nilai-nilai budaya*, and *ketertiban umum*. Instead, the Court positioned these terms within Indonesia’s plural cultural context, arguing that their meaning must remain open to interpretation in light of communal sensibilities and local traditions (Faiz, 2018). Through this reasoning, the Court explicitly affirmed that legal concepts in the moral domain are inherently symbolic, shaped by regional identity and cultural negotiation.

In the domain of religious and family law, several Supreme Court decisions on inheritance and matrimonial disputes have relied on linguistic constructs such as *kedudukan perempuan*, *keadilan proporsional*, and *kemaslahatan keluarga*. These terms, drawn from Islamic jurisprudence but adapted into Indonesian socio-cultural contexts, reveal how legal meaning is co-produced by statutory language and religious-symbolic vocabularies (Wijayanti, 2025). Courts use these terms not merely as doctrinal tools, but also as interpretive devices that align legal norms with societal expectations of familial cohesion and moral integrity.

Taken together, this expanded jurisprudential landscape amplifies the argument that Indonesian courts interpret law by mobilizing linguistic forms whose meaning is inseparable from cultural identity, historical trajectory, and emotional resonance (Mietzner, 2010).

4.3. Latvia: Precision of legal language and historical sensitivity to rule-of-law principles

The State of Latvia proclaimed on 18 November 1918 to ensure the freedom and promote the welfare of the people of Latvia and each individual. The people of Latvia did not recognise the occupation regimes, resisted them, and regained their freedom by restoring national independence on 4 May 1990 on the basis of continuity of the State. Latvia as a democratic, socially responsible, and national state is based on the rule of law and on respect for human dignity and freedom; it recognises and protects fundamental human rights and respects ethnic minorities. The people of Latvia protect their sovereignty, national independence, territory, territorial integrity, and democratic system of government of the State of Latvia (The Constitution of the Republic of Latvia, 1922). This historical-political context significantly influences the interpretation of legal norms in the courts.

Latvia is an integral part of Europe and a European Union member state. The framework of European (Western) type democratic state systems outlines common general principles, but these principles are always specified by the national law of the respective country. Taking into account that these general principles allow for wide freedom of action within the framework of the basic norms of a democratic legal state, Latvia can specify them, modify them, or supplement them with other criteria and thus create its own specific model of the Latvian democratic state system. In a concentrated form, this is included in the comprehensive designation of the state system “democratic republic”.

In the examples below, we will demonstrate how the Constitutional Court’s interpretation of the concepts “democratic republic”, “principle of democracy” etc., carries both technical and symbolic significance: it reflects a collective commitment to legal certainty that emerged as a societal response to past arbitrariness (historical experience of Soviet occupation), to subsequent restoration of independence, and the centrality of constitutionalism in contemporary Latvian identity. In several rulings, the Constitutional Court has interpreted

statutory norms through the lens of this principle, even when the legislative text does not explicitly prioritize it. The linguistic formulation of the concept “democratic republic” functions as a normative category that embodies the emotional memory of political transformation and the societal desire for stability. This demonstrates how Latvian courts utilize language not merely as a descriptive tool, but also as a mechanism for reconstructing legal meaning in accordance with historical identity and constitutional culture.

First of all, it should be noted that the preamble to the Constitution of Latvia (*Satversme*) has a special language that differs from the strictly normative formulations of the articles of the constitution. The preamble is used when interpreting the constitution and other legal norms. Secondly, in the period from the adoption of the *Satversme* in 1922 to the present day, the understanding of the constitution, its meaning, and essence, as well as the methods of interpretation, has developed and has become more precise and deeper. This is also taken into account by the Constitutional Court when interpreting legal norms.

Democracy, the rule of law, and human rights are common values that unite all of Europe. At the same time, the national constitutional identity of individual countries may also include different elements. In this sense, European identity is formed by the balanced and harmonious interaction of all national identities. For example, according to the case law of the European Court of Human Rights, both the right to vote in parliamentary elections and the right to stand as a candidate in such elections may be restricted. States have a wide margin of discretion to lay down rules in their constitutional systems regarding the status of a member of parliament, including the criteria that persons who do not meet them may not be elected. These criteria may differ from country to country, depending on the historical and political circumstances of each country.

The Constitutional Court of Latvia, in its judgment of 29.06.2018 in case No. 2017-25-01, has emphasized that the state has broad discretion in determining the criteria regarding a person's right to stand for election. Moreover, these criteria may differ in different countries, depending on the political and historical situation of each country. As Latvia's historical experience is unique, it is also therefore of great importance how past events have affected society in the long term. In another case (judgment of 05.02.2015 in case No. 2014-03-01), the Constitutional Court has already concluded that the electoral procedure is closely related to the historical development, structure, political situation, and a number of other factors of each country. Accordingly, if historical and socio-political aspects allow for the definition of specific legal restrictions, then even more so they allow for the interpretation of existing norms within the framework of such an understanding.

Similarly, when considering the case on citizenship issues (judgment of 13.05.2010 in case No. 2009-94-01) and interpreting the contested norms, the court took into account the fact that Latvian citizens had resided in other countries for a long time and under compulsion, while at the same time maintaining their affiliation with Latvian statehood. Therefore, the contested norms should be applied not only to those Latvian citizens who had arrived in other countries as refugees or were deported, but also to those who later left Latvia for other reasons during the occupation period.

This interpretation of the term “democracy”, based on historical facts, is particularly vividly presented in judgments that affect the state language. The Constitutional Court (judgment of 13.11.2019 in case No. 2018-22-01) recognized that the regulation providing for the strengthening of the state language protects a democratic state system.

In considering the case on the use of the state language in private higher education institutions (judgment of 09.02.2023 in case No. 2020-33-01), the Constitutional Court clarified the opinion of the Court of Justice of the European Union on this issue. The Court of Justice of the European Union has answered questions posed by the Constitutional Court that Article 49 of the Treaty on the Functioning of the European Union must be interpreted in such a way that it does not contradict the legal regulation of a Member State which, in principle, obliges

higher education institutions to implement study programmes exclusively in the official language of that Member State, provided that this legal regulation is justified by considerations related to the protection of the national identity of that Member State, namely, that it is necessary for the protection of a legitimate aim and is proportionate to it. In examining this case, the Constitutional Court of Latvia has expressed clear reasoning. Taking into account that the Latvian language is an integral part of the constitutional identity and the language of common communication and democratic participation of society, as well as the fact that in the conditions of globalization Latvia is the only place in the world where the existence and development of the Latvian language (see: Judgment of the Constitutional Court of Latvia, case No. 2001-04-0103 of 21.12.2001) and, consequently, the core nation can be guaranteed, the restriction of the use of the Latvian language as the state language in the territory of the country should also be considered a threat to the democratic state system.

Moreover, the Constitutional Court stated (judgment of 05.06.2003 in case No. 2003-02-0106) that the interpretation of the state language issue is also related to the welfare of society. Namely, in addition to aspects of material welfare, the concept of "welfare of society" also includes non-material aspects that are necessary for the harmonious functioning of society. These could also include state measures to ensure the dominance of the Latvian language in society. Increasing the influence of the Latvian language would promote social integration and ensure the harmonious functioning of society, which is an essential prerequisite for the welfare of society.

The specified examples demonstrate that the constitutional court attaches special, historical, and political meanings to the interpretation of the term "democracy". The Administrative Cases Department of the Senate of the Supreme Court also acts similarly (judgment of 03.11.2006 in case No. SKA-5/2005) where the compliance of the conduct of the Saeima elections with the law and the Constitution was examined. Although the right of the applicants to apply to the court to examine the entire conduct of the elections, including the process of forming the will of the voters, was not clearly defined in the law, the court interpreted the law broadly in the light of the fundamental principle of democracy in order to reach the conclusion that the process of forming the will of the voters is also subject to judicial control.

These examples powerfully illustrate the central thesis of this article: that legal interpretation is inseparable from the linguistic, cultural, and emotive structures through which societies construct meaning. The post-Reformasi transformation of Indonesia—with its normative pluralism, constitutional renewal (Buana, 2020), and persistent engagement with indigenous and religious traditions—has produced a jurisprudence deeply attuned to the symbolic dimensions of law. It is through this interplay of language, memory, and cultural imagination that legal norms are animated, contested, and ultimately legitimized. Indonesian jurisprudence demonstrates that law becomes fully intelligible only when understood as a living symbolic system—one shaped by the language that frames it, the history that sustains it, and the communal values that give it purpose.

Although Latvia operates within a different legal tradition, the linguistic structure of its constitutional vocabulary likewise reflects a collective memory marked by foreign domination, institutional rupture, and the aspiration for stable democratic governance. Terms that appear formally neutral take on symbolic weight because they evoke historical trauma and the normative demand for order and predictability.

Conclusions

In the process of interpreting legal norms, the law must be considered as a symbolic system, deeply integrated with the language through which legal concepts are formed and structured. Language in law functions as a categorization mechanism that ensures not only cognitive but also emotional organization of legal consciousness. This calls into question classical ideas about law as an objective system, highlighting its constructivist and interpretive nature: legal meanings depend on cultural and historical contexts, which is manifested in the variability of legal idioms and paradigms. Thus, legal methodology must take into account the linguistic nature of law and its connection with the emotional and subjective aspects of human perception.

In both the jurisdictions analysed in the article (Indonesia and Latvia), legal interpretation extends far beyond the contours of positivistic methodology. No statutory text is self-explanatory; no legal provision can be applied without mediation through culturally meaningful symbols. The interpreter inevitably engages in a process of translation—converting textual language into normative meaning by drawing upon the emotional and historical registers embedded in collective memory. Although the symbolic repertoires differ, the interpretive mechanism is structurally similar.

Lawmaking and law enforcement inevitably rely on emotionally charged symbols that provide social legitimation for legal norms. Constitutional courts are a special forum where abstract legal categories (dignity, freedom, public order, harmony, national identity) receive normative interpretation through appeals to the collective feelings and symbolic resources of society. It is in constitutional justice that the fact that formal norms are ineffective without emotional and symbolic consent is most clearly demonstrated.

Law cannot be separated from historical experience and the cultural transformations of society. Constitutional courts, as institutions of "historical reflection," regularly draw on historical narratives and collective memory to justify particular interpretations. Indonesia is a postcolonial, culturally multilayered state with a strong influence from Pancasila and religious traditions. Latvia is a society overcoming the consequences of occupation, a society oriented toward European legal culture and the protection of national identity. Both countries use history as a tool of interpretation, but in different ways. The analysis shows that legal meanings are formed through a dialogue between past and present.

Legal idiom—as a set of concepts, images, logical frameworks, and communicative norms through which a judge thinks and formulates legal arguments—sets the boundaries of possible interpretations. Indonesia and Latvia have very different legal idioms: Indonesia combines religious, communal, postcolonial, and statist elements. Latvia draws on the European liberal constitutional tradition, which emphasizes rationality, individualism, human rights, and the rule of law. A comparison of legal idioms shows that legal thinking is not universal, and cultural differences shape different models of interpretation even with similar constitutional texts. Elements of variability of interpretation in law enforcement, if consciously applied and regulated, can serve as a means of maintaining public interest in law, as well as stimulating the development and renewal of legal norms. Cultural and historical conditions, which determine ways of perceiving and interpreting law in society, play an important role in this process. Law does not exist outside culture and history; it is instead a product of specific socio-historical conditions, educational practices, and communicative needs. This leads to the fact that legal paradigms and idioms differ depending on cultural context, forming different models of legal consciousness and legal rationality. This approach promotes a critical revision of universalistic theories of law, focusing on the pluralism and historical determinacy of legal systems. Methodologically, this requires taking into account cultural relativism and interdisciplinary methods in the study of law. The psychological readiness and ability of society to “correct” deviations in law enforcement are the key to maintaining a balance between stability and dynamics in the legal sphere.

Law should be viewed as a complex symbolic code that performs not only a regulatory but also a communicative function. Traditional utilitarian forms of law are characterized by compressed and collectively oriented codes that reflect social roles and stability, while legal postmodernism emphasizes more complex, individualized, and analytical structures that contribute to the development of legal culture and self-reflection. This distinction shows that law is not only an instrument of social power, but also a cultural phenomenon that develops in a dialogue between norms, symbols, and subjective perception, which opens up new perspectives for legal methodology and legal theory.

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