



Legal Politics and Legal Development in Indonesia: Institutional Independence, Substantive Justice, and Socio-Legal Realities

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Abstract

Legal development in Indonesia is constituted by the interplay of political power, institutional structures, and socio-legal conditions, and other socio-legal factors, but these three dimensions are conventionally disconnected in the analysis, where there are limited efforts to address the relationship between these factors in explaining the substance and operational capacity of law. This study probes the political influence on legal development and how institutional and socio-legal factors influence the realization of substantive justice and law's legitimacy. This study employs normative-juridical research combined with socio-legal methodology, supported by conceptual and comparative research. Primary legal materials of constitutional mandates, legislation, regulations and case law are examined in conjunction with secondary legal and scholarly materials via interpretive, thematic and comparative analysis. While Indonesia and Uganda are the major comparative references, discussion of selected features of the United Kingdom, India and South Africa are included. The result demonstrates that political influences influence law through legal and institutional process and formal independence, accountability, capacity and integrity of the legal institutions to effectively implement legal principles. In addition, that formal legal acknowledgment does not necessarily generate substantive justice where institutional deficiencies, social injustice, judicial-linguistic-cultural disparities and implementation gaps are present, and that technological change and transnational legal influence also create additional challenges on the political influence and capacity of law. The main contribution is to establish an integrated model of legal development, conceptualizing legal development as a non-linear process in which political power, institutional capacity and independence, and social factors interact to shape the substantive and operational capacity of law. Such legal development is contingent on the political-institutional-socio-legal contexts on which accountability, institutional integrity, and social and cultural conditions in achieving justice, and the public's welfare.



Keywords: Legal Politics, Legal Development, Institutional Independence, Substantive Justice, Socio-Legal Realities

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INTRODUCTION

Law has become fundamental to how modern society is organized, it not only encompasses a set of mandatory norms but also embodies an institutional form of exercising political authority, managing conflicting interests, and pursuing justice. Despite the expectation that law functions as an autonomous normative system based on legality, equality, and institutional independence, it is seldom immune from the political and social contexts in which legal rules are created and enforced. This dynamic has led to a paradox and has posed the central challenge for contemporary legal scholarship: can law be autonomous from political authority and, if not, what is the nature of its interaction with politics?

In fact, some recent studies even demonstrate how power versus institution problems is no longer theoretical but has an actual basis in empirical research. (Lambais & Sigstad, 2023) , for example, shows that, despite the formal independence of the judiciary, political power can still influence cases reaching the courts, even where politicians don't have direct control over judicial careers. (Chemin, 2021) also concludes that judicial reforms can deepen the capacity of courts to regulate executive power, and even change attitudes on judicial protection, among disadvantaged groups that are not deeply rooted in the political system. This research helps validate the claim that the design of legal institutions cannot only be discussed in isolation, but political contexts must also be taken into consideration.

The problem is particularly significant in processes of constitutional and legislative change, where formally lawful procedures may nevertheless be influenced by political interests and competing configurations of power. In Uganda, the 2017 constitutional amendment removing the presidential age limit provides an important illustration of this tension. Although the amendment was adopted through a formal constitutional process (Parliament of Uganda, 2017), it generated substantial political contestation and effectively removed a constitutional barrier to the incumbent president's eligibility for another term (Abebe, 2024). The episode demonstrates that the development of law cannot be adequately understood by examining the formal validity of legal change alone. Attention must also be given to the political interests, institutional relationships, and processes of contestation through which legal change takes place.

The influence of political power, however, represents only one dimension of the problem. Legal development also depends on how legal institutions operate and how legal norms are experienced within society. Contemporary socio-legal scholarship emphasizes that law should not be examined exclusively as an autonomous body of rules but also as a social phenomenon manifested through legal practice, institutional behaviour, and lived experience. (Cotterell, 2023) argues that socio-legal inquiry is concerned with connecting legal theory to legal practice and legal experience, thereby allowing law to be understood

within the social contexts in which it operates. This perspective is important because the formal enactment of a legal norm does not necessarily determine how that norm will function in practice.

Work on legal institutions in Indonesia and elsewhere further highlights the importance of thinking through the relationship between political power, institutions, and the law. For example, recent work on constitutional politics in Indonesia demonstrates how courts can serve as a space for political contestation and how political change can threaten judicial independence. (Wiratraman, 2022) lays out how this occurs through what she terms the "judicialization of authoritarian politics" in which both constitutional litigation and courts become entangled with larger political conflicts. This literature emphasizes the importance of considering not just legal institutions' constitutional position, but rather the political context in which they operate.

At the same time, socio-legal research demonstrates that the legitimacy and effectiveness of law cannot be determined solely from institutional design or formal legal rules. (Macdonald et al., 2022) , in their study of citizen engagement with lower state courts in post-war northern Uganda, demonstrate how people's interactions with legal institutions are shaped by broader social experiences and perceptions concerning legitimacy, access to justice, and institutional trust. Their findings illustrate the importance of examining law in action and recognizing that the operation of legal institutions is mediated by social conditions and the experiences of those who encounter them.

These strands of scholarship provide important insights but also reveal a limitation in the existing discussion. Research on political power has examined the capacity of political actors to influence courts, constrain institutions, or shape legal outcomes, while socio-legal scholarship has emphasized legal practice, institutional behaviour, and social experience. Other studies have addressed specific dimensions of legal development. Fernando (Fernando & Zico Junius, 2022) , for example, examines the political character of legislation in Indonesia and demonstrates that law-making involves both legal and political processes. Similarly, (Rodiyah, 2023) examine the incorporation of justice, representation, and access to justice into the establishment of laws and regulations. These studies provide important accounts of particular aspects of legal development, but they do not fully connect political power, institutional behaviour, justice, and social realities within a single analytical account of how law develops and operates. The limitation, therefore, is not the absence of scholarship on these individual dimensions, but the relative lack of an integrated analysis of their interaction in shaping legal development.

The research gap addressed by this study lies in the limited integration of political power, institutional behaviour, substantive justice, and social realities within a single analysis of legal development. There are fine discussions of the way politics can affect law, and the way that institutions can remain separate, and on the way that society and law are mutually related, and on obstacles to justice, but there is no automatic understanding of these phenomena as processes that are linked together and interrelated. As a result, less attention has been given to how political power shapes institutional decision-making, how institutional behaviour affects the realization of substantive justice, and how social conditions influence the implementation and legitimacy of legal norms. This study therefore

employs a normative juridical research approach informed by a socio-legal perspective, rather than treating the research as empirical socio-legal inquiry. It does not rely on interviews, surveys, or field observations; instead, legal rules, constitutional provisions, institutional arrangements, judicial developments, and relevant scholarly literature are examined as documentary legal and scholarly materials. The socio-legal perspective provides an analytical orientation for examining how formal legal structures interact with political power, institutional behaviour, and social realities. This approach enables the study to move beyond an exclusively formal understanding of legal development while retaining a clear doctrinal basis for analysing the development, implementation, legitimacy, and justice implications of law.

Against this background, the study examines the relationship between legal politics and legal development through three interconnected analytical dimensions: political power, institutional independence and substantive justice, and social reality. First, political power is examined as a factor capable of influencing the direction and content of legal development. Second, institutional independence and substantive justice are considered in order to assess how political influence affects the functioning of legal institutions and the realization of justice. Third, social reality is examined to determine how the implementation, effectiveness, and legitimacy of legal norms are shaped by the conditions in which law operates. These dimensions are not treated as separate variables but as interconnected aspects of the process through which law develops and acquires practical meaning.

The study addresses the following research questions: (1) How does political power influence the development and implementation of law in contemporary society? (2) How do legal institutions and social realities shape the realization of substantive justice and the legitimacy of law in politically influenced legal systems? The novelty of this study lies not simply in identifying political influence, institutional independence, justice, or social reality as important dimensions of legal development, since each has been examined in previous scholarship. Rather, its contribution lies in bringing these dimensions together within an integrated socio-legal framework for analysing legal development. The framework conceptualizes legal development as a dynamic process in which political power influences institutional structures and decision-making, institutional behaviour affects the realization of justice, and social conditions shape the implementation and legitimacy of legal norms. By connecting these dimensions, the study moves beyond a purely formal understanding of legal development and provides an analytical account of how law is produced, mediated, and experienced within contemporary society.

The study therefore contributes to legal scholarship in two related respects. Conceptually, it demonstrates the value of integrating political, institutional, and socio-legal perspectives when analysing the development of law. Analytically, it provides a framework for understanding the tension between the normative autonomy of law and the political and social forces that influence its development and operation. The study ultimately argues that the development of law should be understood not merely as a formal process of rule-making but as a continuing and contested process shaped by political authority, institutional behaviour, and social conditions.

METHOD

This study employs a normative juridical research approach informed by a socio-legal perspective and supported by comparative legal analysis. The primary focus is the examination of legal norms, principles, doctrines, and institutional arrangements governing the relationship between political power and legal development. The normative juridical approach is appropriate because the study examines the content, structure, interpretation, and relationship of legal rules and principles rather than collecting primary empirical data through interviews, surveys, or field observation. The socio-legal perspective is used as an analytical orientation to situate those legal norms within the political, institutional, and social conditions in which they are developed and implemented. Accordingly, the study does not claim to be empirical socio-legal research; rather, it uses socio-legal reasoning to examine the interaction between formal legal structures and the political and social realities surrounding their operation.

The conceptual approach is employed to clarify and connect the principal concepts underlying the analysis, including legal politics, political power, legal development, institutional independence, substantive justice, and the relationship between law and society. These concepts are examined through relevant legal scholarship and theoretical literature to establish their analytical meaning and to identify their relationships within the study. The conceptual analysis is particularly important because the study does not treat political power, legal institutions, justice, and social reality as isolated subjects. Instead, they are examined as interconnected dimensions through which legal development takes place.

The study also employs a comparative legal approach, **with** Uganda and Indonesia as the principal jurisdictions of comparison. The two jurisdictions are selected because both provide relevant contexts for examining the relationship between legal development and political power while representing different constitutional, institutional, and legal experiences. Uganda provides the principal context for examining the influence of political power on constitutional and institutional development, while Indonesia provides a comparative perspective through its experience with legal reform, constitutional development, judicial institutions, and the interaction between law and political processes. The comparison is therefore purposive rather than intended to establish a statistically representative comparison of legal systems. References to other jurisdictions, including the United Kingdom, India, and South Africa, are used only where necessary to provide comparative scholarly or theoretical context and do not constitute additional jurisdictions in the principal comparative design.

The legal materials examined in this study consist primarily of primary and secondary legal materials. Primary legal materials include constitutions, legislation, regulations, judicial decisions where relevant, and other authoritative legal instruments directly connected to legal development and institutional governance in Uganda and Indonesia. Secondary legal materials comprise peer-reviewed journal articles, academic books, scholarly chapters, research reports, and other authoritative academic publications addressing legal politics, law and development, judicial independence, substantive justice, and socio-legal theory. The selection of materials is purposive and based on their relevance to the research questions, their authority within the relevant legal or scholarly field, and their

capacity to illuminate the relationship between political power, legal institutions, justice, and social realities. Recent peer-reviewed scholarship is prioritised, particularly literature published within the most recent five-year period, while older foundational works are retained where they provide concepts or theoretical foundations that remain directly relevant to the analysis.

The analysis proceeds through several interconnected stages. First, relevant legal materials from Uganda and Indonesia are identified and classified according to their relationship to the research questions. Second, the applicable legal norms and institutional arrangements are examined through statutory, constitutional, and doctrinal interpretation. Third, the materials are categorized into the principal analytical issues of the study: political influence on legal development; institutional independence and substantive justice; and the implementation and legitimacy of legal norms within their social contexts. Fourth, corresponding legal and institutional developments in Uganda and Indonesia are compared to identify similarities, differences, and contextual factors affecting the operation of law. Fifth, the findings from the normative and comparative analysis are interpreted through the study's socio-legal perspective in order to examine how political power, institutional behaviour, and social realities interact in shaping legal development. Finally, these analytical findings are synthesized to evaluate the explanatory value of the proposed integrated socio-legal framework.

The study therefore does not use the term “secondary data” to describe its materials. Instead, it distinguishes between primary legal materials, secondary legal materials, and scholarly sources. This terminology reflects the normative juridical character of the research and avoids implying that the study generated empirical data through field research. The qualitative character of the analysis refers to the interpretive examination and synthesis of legal and scholarly materials rather than to qualitative empirical data collection. Through this methodology, the study seeks to provide a systematic and reproducible analysis of how political power, legal institutions, justice, and social realities interact in the development and operation of law in Uganda and Indonesia.

RESULTS AND DISCUSSION

Law as an Instrument of Political Power

The relationship between law and political power remains one of the most contested issues in contemporary legal theory. While law is often portrayed as a neutral and objective system of rules, in practice it is deeply influenced by political interests and power structures (Scheppelle, 2024). Legal politics plays a decisive role in determining not only the content of law but also its interpretation and enforcement. In many jurisdictions, particularly in developing legal systems, law is frequently utilized as an instrument for consolidating political authority rather than promoting justice and equality.

Modern research increasingly recognizes that legal development is inseparable from political dynamics. Law operates within a broader socio-political environment in which state actors, economic elites, and institutional interests can shape legal outcomes (Desai, 2023). This perspective challenges the traditional view of law as autonomous and instead emphasizes its embeddedness within systems of power. Similarly, contemporary socio-legal

studies highlight that legal reforms are often driven by political agendas, especially in transitional and developing states where institutional independence remains fragile. Political influence may therefore enter the legal system through several institutional mechanisms, including the enactment or amendment of legislation, the appointment of judges and other legal officials, control over law enforcement institutions, selective enforcement and the capture of legal institutions.

From a critical standpoint, law can function as a mechanism of control, reinforcing existing power hierarchies. This aligns with the classical insights of Michel Foucault, who conceptualized law as part of a broader network of power relations that regulate social behavior. Although Foucault's work predates contemporary legal developments, its relevance persists in explaining how legal institutions may serve political interests under the guise of neutrality. In the context of legal development, political influence often manifests through legislative processes, judicial appointments, and selective enforcement of laws. For example, Uganda's removal of the presidential age limit through the (Parliament of Uganda, 2017) illustrates how political interests may become connected to constitutional change through formally established legislative procedures. The amendment removed the previous age requirement for presidential candidates, thereby changing the constitutional conditions governing eligibility for the presidency. This example demonstrates that political influence does not necessarily operate outside the law; it may also operate through the formal processes by which legal rules are created or amended. These practices undermine the principle of the rule of law, which requires that law be applied equally and impartially. The importance of safeguarding legal systems from political interference is reflected in international legal instruments such as the United Nations Basic Principles on the Independence of the Judiciary (United Nations, 1985) , which emphasize that judicial institutions must be free from external pressures to ensure fairness and justice.

Foucault's perspective can therefore be operationalized by examining how power operates through legal institutions and practices rather than treating power solely as direct interference by political actors. His conception of power as relational and dispersed provides a basis for examining how legal rules, institutional procedures, professional knowledge, and enforcement practices can regulate conduct and shape the practical meaning of legality (Dent, 2024; Foucault, 1980) . Applied to legislative processes, this perspective directs attention to how particular political interests become translated into authoritative legal categories and rules. In judicial appointments, it draws attention to how institutional structures determine who participates in the production and interpretation of legal knowledge. In law enforcement, it helps explain how discretion, surveillance, classification, and sanctioning practices regulate behaviour. In cases of institutional capture, it highlights how relations of power may become embedded within ordinary institutional procedures rather than operating only through explicit political commands. Foucault therefore provides an analytical lens for examining not simply who possesses political power, but how power is exercised through legal institutions and practices.

Studies further demonstrate that the politicization of law can weaken institutional credibility and public trust. For instance, research on legal development in emerging democracies indicates that when political actors exert undue influence over legal institutions,

the result is often inconsistent application of the law and reduced access to justice (Dressel & Bonoan, 2024). This not only affects the legitimacy of legal systems but also hampers broader socio-economic development. A related mechanism is institutional capture, through which political influence becomes embedded within the structures and practices of legal institutions. Institutional capture differs from direct political interference because institutions may continue to operate according to formally established procedures while their decision-making processes become increasingly responsive to particular political interests. The consequence is that political influence becomes part of the ordinary functioning of the institution, making it more difficult to distinguish formal institutional independence from substantive autonomy. An example can be observed in Indonesia in Constitutional Court Decision No. 90/PUU-XXI/2023 (Constitutional Court of the Republic of Indonesia, 2023), which altered the eligibility requirements for presidential and vice-presidential candidates by allowing a person who has or is currently holding an office elected through general elections to qualify despite not meeting the minimum age requirement. The decision attracted substantial controversy because of the circumstances surrounding the decision and the involvement of the Chief Justice, Anwar Usman, who was subsequently removed from his position as Chief Justice by the Court's Ethics Council for violating ethical principles concerning impartiality and conflicts of interest (Constitutional Court Ethics Council, 2023). The episode illustrates how institutional capture can be examined when formal judicial procedures remain in place while concerns arise regarding the influence of personal and political interests on institutional decision-making.

The analysis demonstrates that law cannot be separated from power. Political power operates through multiple and interconnected legal mechanisms, including legislative and constitutional change, judicial appointment structures, enforcement discretion, and institutional capture. These mechanisms demonstrate that political influence does not always appear as direct interference with law; it can also be embedded within formally lawful procedures and institutional practices. Foucault's perspective further shows that power operates through the production of legal knowledge, institutional procedures, and practices that shape how legal norms are understood and applied. Legal development is shaped not only by normative principles but also by political realities that influence how law is created and applied. Therefore, understanding law as an instrument of political power is essential for critically evaluating the effectiveness of legal systems and identifying pathways toward more just and accountable governance.

Institutional Dynamics and Legal Development

Legal development in contemporary society is significantly shaped by the structure and functioning of legal institutions. These institutions primarily the judiciary, legislature, and executive play a central role in interpreting, creating, and enforcing legal norms. However, their effectiveness depends largely on the degree of independence, accountability, and integrity they maintain within a politically influenced environment. When institutional autonomy is compromised, legal development tends to reflect political priorities rather than the principles of justice and the rule of law.

The judiciary, in particular, serves as a crucial pillar in maintaining the balance between law and political power. Judicial independence is widely recognized as a fundamental requirement for ensuring impartiality and fairness in legal systems. Contemporary legal scholarship emphasizes that without institutional independence, courts risk becoming instruments of political authority rather than guardians of justice. This concern is especially relevant in developing and transitional legal systems, where political interference in judicial processes remains a persistent challenge. For analytical purposes, however, institutional independence should be distinguished from accountability, capacity, and integrity. Institutional independence concerns the ability of an institution to perform its legally assigned functions without improper interference from political actors or other external interests. Its indicators may include security of tenure, transparent and merit-based appointment procedures, protection from arbitrary removal, and autonomy in decision-making. Institutional accountability, by contrast, concerns the mechanisms through which an institution is required to justify its actions and is subject to lawful review, such as disciplinary procedures, judicial review, parliamentary oversight, reporting obligations, and public scrutiny (Garoupa et al., 2021). Institutional capacity refers to the resources and organizational ability necessary to perform assigned functions, including adequate staffing, expertise, funding, infrastructure, and procedural efficiency. Institutional integrity concerns adherence to ethical and professional standards, including impartiality, avoidance of conflicts of interest, transparency, and compliance with applicable codes of conduct. These dimensions are related but should not be treated as interchangeable: an institution may possess formal independence while remaining weak in capacity or accountability, or may have substantial resources while lacking integrity. Recent empirical research further demonstrates that formal judicial independence does not necessarily eliminate political influence over judicial outcomes, reinforcing the importance of examining how institutional safeguards operate in practice (Lambais & Sigstad, 2023).

The role of the legislature is equally significant in shaping legal development. Legislative bodies are responsible for enacting laws that reflect societal needs; however, in practice, legislative processes are often influenced by political bargaining and elite interests. This dynamic can result in laws that prioritize political expediency over substantive justice. Similarly, the executive branch, which is responsible for implementing laws, may exercise discretion in ways that reinforce political authority rather than uphold legal equality. International legal frameworks strongly emphasize the importance of institutional integrity in promoting the rule of law. Instruments such as the United Nations Convention against Corruption (2003) highlight the need for transparency, accountability, and independence within public institutions as essential components of effective legal systems. These principles are critical in preventing the abuse of power and ensuring that legal development aligns with democratic values.

Recent scholarship shows that the way legal institutions function in practice can be affected when judicial independence is weakened. A comparative study of Hungary, Poland, and Turkey, for example, found that attempts to manipulate or weaken courts were associated with lower levels of government accountability and rule-of-law protection, illustrating the difference that can emerge between formal constitutional safeguards and their

actual operation (Callais & Mkrtchian, 2024) This is important for understanding legal development because political interests may influence how legal rules are interpreted and applied, even where formal institutional safeguards remain in place. The Indonesian experience provides a concrete example of why these issues need to be considered through institutional practice rather than through legal principles alone. In October 2023, the Constitutional Court, in Decision No. 90/PUU-XXI/2023, modified the statutory requirement for presidential and vice-presidential candidates by introducing an alternative qualification for persons who had previously or were currently holding an office elected through a general election, including regional head elections (Constitutional Court of the Republic of Indonesia, 2023). The decision subsequently became the subject of proceedings before the Constitutional Court Ethics Council (MKMK, which found that Chief Justice Anwar Usman had violated several ethical principles, including impartiality, integrity, independence, and propriety, and removed him from the position of Chief Justice (Constitutional Court of the Republic of Indonesia, 2023). The significance of this episode for the present analysis is not to treat the decision as proof of political capture, but to show how questions of conflict of interest, ethical safeguards, and institutional accountability can arise in the exercise of judicial power. It therefore demonstrates why judicial independence should be assessed not only by the formal guarantees provided by law, but also by the safeguards and accountability mechanisms that govern institutional conduct in practice.

A comparative perspective also shows that judicial independence is not necessarily incompatible with accountability. Kenya provides a useful example. The 2010 Constitution protects the independence of the Judiciary while also requiring mechanisms to promote judicial accountability and transparent. Article 160(1) provides that, in exercising judicial authority, the Judiciary is subject only to the Constitution and the law and shall not be subject to the control or direction of any person or authority, while Article 172(1) requires the Judicial Service Commission to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective, and transparent administration of justice (Constitution of Kenya, 2010). This balance was particularly visible in the Supreme Court's decision in (*Raila Amolo Odinga and others V Independent Electoral and Boundaries Commission and another*, 2017), where the Court annulled the presidential election and directed that a fresh election be held (Supreme Court of Kenya, 2017). The decision illustrates how a court can exercise constitutional authority in a politically sensitive dispute while remaining subject to constitutional and institutional controls. The comparison is therefore useful because it shifts the assessment of institutional dynamics beyond whether courts are formally independent and towards how their decision-making authority is exercised and held accountable in practice.

In the Indonesian context, institutional dynamics are closely linked to broader governance challenges, including corruption, political influence, and bureaucratic inefficiency. Research on bureaucratic reform in Indonesia, for example, finds that efforts to combat corruption are hindered by complex bureaucratic procedures and argues that effective prevention requires institutional, organizational, and cultural reform alongside criminal enforcement (Yustia & Arifin, 2023). Legal reforms have also affected the institutional relationship between political authority and legal institutions. In examining

legislation and Constitutional Court decisions during the administration of President Joko Widodo, (Arizona, 2024) found tensions between the legislative process and the Constitutional Court's exercise of judicial review, raising questions concerning the practical independence of the Court. A more specific example concerns the replacement of Constitutional Court Justice Aswanto by the House of Representatives (DPR). (Pambudi et al., 2025) argue that the replacement lacked a constitutional basis and created concerns regarding political interference in judicial processes and the independence of the Constitutional Court. These examples indicate that the effectiveness of legal reform cannot be assessed solely by the existence of formal institutional safeguards, but also requires attention to how institutional authority, oversight, and political influence operate in practice. From this perspective, strengthening institutional capacity involves not only legal reform but also organizational and structural measures that support professional decision-making, transparent legislative processes, and accountable executive action.

In sum, institutional dynamics play a decisive role in shaping legal development. The interaction between legal institutions and political power determines whether law functions as an instrument of justice or as a tool of control. Accordingly, evaluating legal development requires attention not only to whether institutions are formally independent, but also to whether they possess adequate capacity, operate with integrity, and remain subject to appropriate mechanisms of accountability.

Justice, Ideology, and Legal Development

The concept of justice occupies a central position in legal development, serving as both a normative goal and a basis for evaluating the operation of legal systems. However, justice is not a fixed or universally defined concept; rather, it is shaped by ideological, cultural, and political contexts. In contemporary legal discourse, the relationship between justice and legal politics reveals how legal systems may either uphold or distort the fundamental principles of fairness, equality, and human dignity. Legal development must move beyond procedural formalism and engage with substantive justice. As argued by Amartya Sen, justice should be understood in terms of real-world outcomes and the actual freedoms people enjoy, rather than merely the existence of formal legal rules (Sen, 2009). For this study, Sen's substantive conception of justice serves as the primary analytical foundation, while Nussbaum's capabilities approach is used as a complementary perspective for understanding the conditions necessary for individuals to exercise meaningful freedoms and participate in social and political life (Nussbaum, 2011). Within this framework, fairness, equality, human dignity, and social justice are treated as substantive dimensions through which the realization of justice can be assessed, rather than as separate or competing theories of justice. This perspective is particularly relevant in assessing legal systems where laws exist but fail to deliver equitable results due to political interference or institutional weaknesses.

In parallel, contemporary legal theorists highlight the importance of integrating moral and ethical values into legal frameworks. This is evident in the recognition that legal systems must reflect societal values and normative principles in order to maintain legitimacy and support effective legal reform (Fernando et al., 2022). Without such alignment, law risks

becoming disconnected from the very society it is meant to regulate, thereby undermining its authority and effectiveness. Moreover, recent scholarship on Indonesian legal reform demonstrates that achieving justice requires attention to the relationship between legal norms, societal values, and the ideological foundations underlying the legal system (Aris Hardianto et al., 2024) . Legal development that ignores any of these dimensions risks becoming ineffective or unjust. In this regard, ideology can serve as both a guiding framework and a constraint, depending on how it is interpreted and implemented within legal and political structures.

The relationship between law, ideology, and justice is deeply rooted in the philosophical foundation of Pancasila. As the foundation of the Indonesian state, Pancasila provides principles that are reflected in the constitutional and legal order, including human dignity, deliberative democracy, and social justice (Putu et al., 2022) . However, its role in legal development should not be understood only as a source of normative values. Pancasila also operates within a political and institutional environment in which its meaning may be interpreted and applied by state institutions and political actors. Recent scholarship on Indonesian legal reform demonstrates that the application of Pancasila involves continuing tensions concerning its interpretation, implementation, and relationship with changing legal and societal demands (Hadiprabowo et al., 2024) . This raises an important question for legal development: does the ideological foundation of Pancasila function as a substantive constraint on the exercise of political power, or can its values also be interpreted in ways that legitimize particular exercises of power? The answer depends not simply on the ideals contained in Pancasila, but on the institutional mechanisms through which those ideals are translated into legislation, judicial interpretation, and executive policy. Thus, the significance of Pancasila for substantive justice must be assessed by examining whether its principles effectively constrain arbitrary or unequal exercises of public power and contribute to legal outcomes that protect dignity, equality, participation, and social justice. In this sense, Pancasila can function both as a normative foundation and as a contested framework whose practical meaning is shaped through political and institutional processes.

However, the practical realization of justice within such an ideological framework remains challenging. Political interests may influence how legal principles are interpreted and applied, leading to tensions between normative ideals and legal practice. In the Indonesian context, (Chandranegara & Cahyawati, 2023) demonstrate that political and economic interests can intersect with state decision-making and law-making, creating conflicts of interest that may affect the relationship between public interests and the exercise of state power. This suggests that when ideological foundations and legal principles are mediated through political interests, the realization of justice may diverge from their formal normative commitments. Such tensions can also affect the legitimacy of legal institutions when legal authority is perceived as serving particular interests rather than providing impartial protection under the law. International human rights instruments further reinforce the centrality of justice in legal development. For example, the (United Nations, 1948) establishes fundamental principles of equality, fairness, and human dignity that should guide legal systems worldwide. Although adopted decades ago, its principles remain highly relevant to contemporary legal reforms and judicial practices across jurisdictions,

particularly in relation to equality, human dignity, accountability, and the rule of law (Office of the High Commissioner for Human Rights, 2023) .

In conclusion, justice is both a guiding principle and a contested outcome in legal development. While ideological foundations such as Pancasila provide a normative framework for achieving justice, their realization depends heavily on the interaction between legal institutions and political power. Ensuring that legal development remains aligned with principles of justice requires not only strong institutions but also a commitment to ethical values and societal well-being.

Bridging the Gap: Law in Books vs Law in Action

A persistent concern in contemporary legal systems lies in the divergence between formally enacted laws and their actual operation within society. While legal frameworks are often designed to reflect ideals such as equality, accountability, and justice, their effectiveness ultimately depends on how they are interpreted, enforced, and experienced in everyday life. This distinction reveals that the existence of legal norms alone is insufficient to guarantee their practical realization. Recent socio-legal scholarship emphasizes that legal outcomes are shaped by contextual factors that extend beyond statutory provisions. (Halliday, 2023) explains that legal change involves recursive interactions between law on the books and law in action, in which legal professionals and institutions mediate both the formulation of legal rules and their implementation in practice. This process can produce variations in how law is applied, particularly where formal legal rules interact with different institutional practices and social contexts.

Research on legal implementation indicates that implementation challenges frequently arise from structural weaknesses, including limited institutional capacity and inconsistent enforcement mechanisms. (Wijatmoko et al., 2023) , in their study of the Law on the Governing of Aceh, demonstrate that the enactment of a formal legal framework does not necessarily ensure effective implementation, as substantive, institutional, and societal challenges may contribute to legal uncertainty and ineffective policy implementation. In such contexts, legal reforms may produce visible changes at the legislative level without significantly altering patterns of behaviour or access to justice. The role of governance is also critical in determining whether legal norms translate into meaningful outcomes, particularly where institutional constraints and weaknesses in implementation affect the operation of legal rules. These conditions demonstrate how legal development may appear advanced in formal terms while remaining constrained in practice.

The distinction between law in books and law in action can be observed more concretely in the implementation of Constitutional Court decisions in Indonesia, (Butt & Murharjanti, 2022) examined legislative responses to Constitutional Court decisions, focusing on the Court's decisions concerning the Coastal and Small Islands Law and the Plantation Law. Although Constitutional Court decisions are legally binding, their study found that legislative responses varied considerably: some decisions were followed through subsequent legislation or other regulatory measures, while others were only partially implemented or effectively ignored. In some instances, provisions that had been invalidated by the Court were subsequently revived or replaced with provisions inconsistent with the

substance of the Court's decisions. This demonstrates that the existence of a binding judicial decision does not automatically ensure its effective implementation and that the practical operation of constitutional law depends on the responses of other state institutions. The case therefore illustrates the distinction between law as formally established and law as implemented through institutional practice.

International frameworks increasingly recognize the importance of closing this gap. Sustainable Development Goal 16 provides a useful comparative normative benchmark because it does not merely call for the existence of legal institutions; it emphasizes access to justice and the development of effective, accountable, and inclusive institutions (United Nations, 2015). From this perspective, legal development can be assessed by examining whether legal institutions provide meaningful access to justice, whether public authorities are accountable for implementing legal obligations, and whether institutional arrangements operate effectively in practice. This approach shifts SDG 16 from a general normative aspiration to a framework for assessing the practical operation of legal systems. In the Indonesian context, the implementation of Constitutional Court decisions provides one example through which these dimensions can be examined: the formal authority of the Court may be established in law, while the extent to which other institutions comply with and implement its decisions provides an indication of institutional accountability and effectiveness.

Bridging the divide between law as written and law as practiced remains a central challenge in legal development. Addressing this issue demands a comprehensive approach that integrates institutional reform, social engagement, and political accountability. Only by ensuring that legal norms are both enforceable and socially embedded can legal systems achieve their intended objectives.

Digitalization, Technology, and the Future of Legal Development

The rapid advancement of digital technologies has introduced new dimensions to legal development by transforming not only how law is created, interpreted, and enforced, but also how institutional power is exercised. The emergence of artificial intelligence, algorithmic governance, digital platforms, and data-driven administration has altered the relationship between governments, private technology companies, legal institutions, and citizens. Artificial intelligence is increasingly being considered in public governance, while digital systems are becoming embedded in administrative and institutional processes (Zuiderwijk et al., 2021). These developments demonstrate that digitalization should not be understood merely as a technological development requiring additional regulation. It also represents a transformation in the distribution and exercise of power within legal and political systems. The central question for legal development is therefore not simply whether existing laws can regulate emerging technologies, but whether digital technologies alter who exercises decision-making authority, how that authority is controlled, and how justice and accountability are maintained.

Digitalization can both constrain and redistribute political influence over law. Digital technologies may increase transparency, expand access to information, facilitate public participation, and make some institutional processes more visible. At the same time,

however, the concentration of technological infrastructure in the hands of powerful private actors can create new forms of influence over public communication, information flows, and political participation. Aytac (2024) demonstrates that the growing power of major technology companies is closely connected to their control over algorithmic infrastructures within the digital public sphere. This concentration of algorithmic power raises questions about whether important decisions affecting public communication and participation remain subject to meaningful democratic control. Digitalization therefore does not necessarily diminish political power; rather, it can redistribute power among governments, corporations, technological systems, and citizens. From the perspective of legal politics, this redistribution is significant because the exercise of power may increasingly occur through privately controlled technological infrastructures as well as through conventional state institutions.

Algorithmic governance further changes the relationship between power and institutional accountability because algorithms can influence decisions through predefined technical structures rather than through direct human intervention. Gritsenko & Wood (2022) explain that the deployment of algorithms introduces a form of design-based governance in which power is exercised through protocols and choice architectures established in advance. Their analysis shows that algorithmic systems can increase administrative efficiency while simultaneously reducing the discretion available to governing actors. This development has important implications for legal accountability. When decisions are partly determined by algorithmic systems, responsibility can become more difficult to locate because the outcome may result from the interaction between human decision-makers, data, institutional rules, and technological design. Consequently, accountability in digital governance requires more than identifying the official who formally makes a decision; it also requires examination of how technological systems structure the available choices and influence the exercise of institutional authority. The question of accountability therefore extends beyond the formal attribution of decision-making power to the institutional arrangements governing the design, operation, and review of algorithmic systems.

The emergence of artificial intelligence within judicial institutions illustrates this transformation of institutional power particularly clearly. Digital technologies can improve case management, legal research, transcription, and access to judicial information, potentially increasing the efficiency and accessibility of justice. However, when AI systems become involved in judicial processes, they can also affect the distribution of agency and accountability between judges and technological systems. Contini et al. (2024), examining applications including speech-to-text systems, legal analytics, and predictive justice, demonstrate that the introduction of AI can reconfigure the actor-network within which judicial decisions are produced. The significance of this development extends beyond technological efficiency. If technological systems influence the information considered by judges or the manner in which cases are processed, questions arise concerning who is responsible for the resulting decision, how the technological contribution can be examined, and whether affected parties have meaningful opportunities to challenge it. Judicial digitalization therefore creates a new institutional dimension of power in which

technological systems may participate in processes traditionally understood as exercises of human judicial authority.

These developments demonstrate why algorithmic governance must also be examined from the perspective of justice. The use of AI in public institutions may generate benefits in efficiency and administrative capacity, but it can also introduce new risks concerning transparency, discrimination, exclusion, and unequal access to technological resources. Xenidis (2024) demonstrates that algorithmic systems can challenge established approaches to discrimination law because their technical structures can alter how legal categories, burdens, and benefits are produced and distributed. Accordingly, the legal assessment of digitalization cannot be limited to whether a technological system operates efficiently. It must also consider whether the system is consistent with principles of equality, human dignity, participation, and accountability. This is particularly important where automated or data-driven systems affect individuals' access to public services, legal remedies, or other rights. Digitalization may therefore create new forms of inequality if technological decision-making is introduced without adequate safeguards for explanation, review, and participation.

The relationship between technology and legal development is consequently more complex than a simple distinction between technological innovation and legal regulation. Digitalization can simultaneously strengthen institutional capacity and create new forms of institutional dependence; it can increase transparency while concentrating informational power; and it can improve judicial efficiency while complicating the attribution of responsibility. The central issue for legal politics is therefore how these competing effects are governed. If technological systems are designed and implemented without effective legal and institutional oversight, power may shift from publicly accountable institutions towards actors who control data, algorithms, and digital infrastructures. Conversely, appropriately regulated digital systems can support institutional transparency, accessibility, and more effective administration. The effect of digitalization on legal development therefore depends substantially on the institutional arrangements through which technological power is exercised and controlled.

For this reason, the future of legal development requires legal institutions to govern not only technological innovation but also the new forms of power created through its use. This requires mechanisms of transparency, human oversight, reason-giving, independent review, and clearly attributable responsibility where AI and algorithmic systems contribute to governmental or judicial decisions. The development of digital law should consequently be evaluated not simply by the volume of new legislation addressing artificial intelligence, cybersecurity, or data protection, but by whether technological systems remain subject to constitutional principles, institutional accountability, democratic participation, and substantive justice. Digitalization should therefore be understood as a contemporary dimension of the relationship between law, political power, institutions, and justice. Its significance for legal development lies precisely in the fact that technological systems are increasingly becoming part of the structures through which legal authority is exercised, thereby requiring legal and political institutions to ensure that technological power remains subject to the rule of law.

Transnational Influences and the Transformation of Legal Systems

Transnational interactions increasingly shape the development of national legal systems through the circulation of legal ideas, regulatory models, institutional practices, and international norms. Rather than treating this process as a simple transfer of rules from one jurisdiction to another, contemporary approaches emphasize how transnational norms are adopted, interpreted, contested, and reconstructed within domestic institutions (Block-Lieb, 2022). This perspective is important because the influence of transnational law depends on the relationship between external norms and domestic constitutional, institutional, and social conditions. Legal development therefore occurs through interaction between international and domestic sources of authority, with national courts, legislatures, and administrative institutions retaining an important role in determining how external norms acquire domestic meaning.

The process is particularly visible in legal transplantation, where a legal principle or institutional model developed in one context is introduced into another. The adoption of a foreign or international model does not necessarily result in its identical reproduction because recipient institutions may modify its content or application to accommodate domestic constitutional principles and legal traditions. Indonesia provides a concrete example through the Constitutional Court's engagement with international law. PALGUNA & WARDANA (2024) show that the Court adopts a pragmatic approach in which international law can inform constitutional interpretation while remaining subject to the Indonesian Constitution. This illustrates adaptation rather than mechanical transplantation: international norms may influence domestic legal reasoning, but their domestic effect is determined through national constitutional institutions. The example also demonstrates that transnational influence may involve selective acceptance and institutional interpretation rather than complete legal convergence.

Transnational influence can also involve resistance or selective adaptation where externally promoted legal models encounter domestic institutional, political, or cultural conditions. Recent scholarship on legal transplantation demonstrates that such processes cannot be separated from the distribution of power between the actors involved in producing and receiving legal norms. While Watson's classical conception of legal transplantation emphasizes the movement of legal rules between jurisdictions, Zoppoloto & Farah (2025), for example, examine legal transplantation in the context of China's modernization and the Belt and Road Initiative and show how legal models can circulate alongside economic and political relationships. This challenges the assumption that legal transplantation is a neutral technical process. States and transnational actors with greater economic or institutional resources may have greater capacity to promote particular legal models, while recipient states may selectively adopt, modify, or resist them. Legal transplantation may therefore reproduce existing power relations where external models are introduced without sufficient domestic participation or adaptation, potentially affecting the distribution of regulatory authority and the ability of domestic institutions to determine legal priorities. Conversely, domestic institutions with stronger legal and political agency can reinterpret transnational norms in ways that reflect local constitutional and institutional priorities.

The impact of transnational influence should therefore be assessed not simply by whether an international norm or foreign legal model has been formally incorporated into national law, but by examining how it operates within domestic institutions (Miaz et al., 2024). Transnational legal influence can contribute to legal development by introducing new standards of rights protection, accountability, institutional governance, and regulatory practice, but its practical significance depends on domestic capacity, institutional independence, and social acceptance (Darr, 2025). The broader literature on legal transplantation shows that the movement of legal models can reflect unequal relations of power, particularly where external actors have greater resources to shape regulatory priorities or institutional arrangements. Transnationalisation should therefore be understood as a negotiated process in which adoption, adaptation, and resistance shape the eventual development of national law (Velásquez Ochoa et al., 2026). This approach recognises both the transformative potential of transnational legal influence and the possibility that transplantation may reproduce institutional or political dependencies when external models are not sufficiently adapted to domestic conditions, thereby influencing the distribution of regulatory authority and the capacity of domestic institutions to establish legal priorities.

Legal Culture and the Social Foundations of Legal Effectiveness

The effectiveness of legal systems is not solely determined by formal rules or institutional arrangements but is fundamentally shaped by the social environment in which law operates. Legal culture serves as a critical mediating factor that influences how legal norms are perceived, interpreted, and applied. This suggests that legal development must be examined not only through structural and doctrinal perspectives but also through the lens of societal attitudes and behavioural patterns. In Friedman's framework, legal culture refers to the values, expectations, and orientations that shape how individuals and institutions relate to law, rather than simply representing measurable levels of public trust or compliance. These attitudes and behaviours can therefore be examined empirically as manifestations of legal culture. Recent Indonesian research similarly demonstrates the relevance of legal culture to the social conditions in which formal legal norms operate (Riwanto, 2022). This perspective challenges the assumption that legal compliance can be achieved solely through coercive mechanisms and highlights the importance of legitimacy and institutional trust.

Variations in legal culture help explain differences in legal effectiveness across jurisdictions. Rather than assuming generally that low institutional trust produces reliance on informal dispute resolution, empirical evidence from Indonesia shows that trust in state and political institutions varies according to institutional and political conditions. (Al Izzati et al., 2024), for example, find that direct local elections increased trust in several state and political institutions, although the effect did not extend to the police and political parties. They also show that the effect of elections on trust varied according to the level of electoral hostility, demonstrating that institutional trust is an empirical phenomenon shaped by political context. This illustrates why claims concerning public trust should be grounded in specific empirical evidence rather than treated as inherent characteristics of a particular legal culture.

In pluralistic societies such as Indonesia, legal culture is shaped by multiple normative influences, including customary practices, religious values, and formal legal principles. This diversity creates a complex legal landscape in which different normative systems interact, sometimes reinforcing and at other times conflicting with each other. A concrete illustration can be found in Indonesian inheritance law. (Irianto, 2024) , through a courtroom study in West Java, demonstrates that inheritance disputes involve contestation and negotiation among Islamic law, state law, customary practices, and different methods of dispute resolution. The study shows that legal pluralism operates not merely through the coexistence of different legal rules but through the ways judges, families, and communities negotiate competing normative frameworks. This illustrates how legal culture mediates the relationship between formal law and social practice within a specific area of Indonesian law.

Legal culture constitutes a foundational element of legal effectiveness, shaping the relationship between law and society. Its influence extends beyond compliance to encompass legitimacy, trust, and institutional credibility. A comprehensive approach to legal development must therefore incorporate cultural considerations alongside structural and normative reforms to achieve sustainable and effective outcomes.

Comparative Perspectives on Legal Development in Contemporary Legal Systems

A comparative perspective reveals that legal development is shaped not only by institutional design but also by political history, socio-economic conditions, and governance structures. The principal comparison in this study is between Uganda and Indonesia, as both provide relevant contexts for examining the relationship between political power and legal development while reflecting different constitutional and institutional trajectories. The United Kingdom, India, and South Africa are included as supplementary comparative reference points where their experiences provide relevant insights into judicial independence, political accountability, constitutional governance, or legal pluralism. The comparison is therefore not intended to rank the jurisdictions or establish a comprehensive comparison of their entire legal systems. Instead, it examines five common parameters: judicial independence, political influence, institutional accountability, legal culture, and implementation gaps. These parameters provide a consistent basis for identifying how formal legal arrangements interact with political and social conditions.

Table 1. Comparative Analysis of Legal Development Across Selected Jurisdictions

Jurisdiction	Judicial Independence	Political Influence	Accountability	Legal Culture & Implementation
Indonesia	Formal safeguards; institutional pressures remain	Present in institutional processes	Formal mechanisms; effectiveness contested	Plural legal traditions; implementation gaps
Uganda	Formal safeguards;	Institutional and political pressures	Formal mechanisms;	Customary and formal norms; uneven enforcement

	practical constraints		capacity constraints	
United Kingdom	Strong institutional safeguards	Constrained by legal and institutional checks	Established mechanisms	Common-law traditions; mainly institutional implementation issues
India	Constitutional safeguards; accountability concerns	Executive and institutional pressures	Formal mechanisms; continuing debate	Plural normative traditions; implementation inequalities
South Africa	Constitutional protection	Tensions within institutional relations	Strong constitutional mechanisms	

The comparison demonstrates that the five jurisdictions share formal commitments to legality and institutional governance but differ in how those commitments operate in practice. Recent comparative scholarship on India and the United Kingdom, for example, identifies judicial independence and accountability as multidimensional concepts requiring attention to institutional, internal, and individual safeguards (Huchhanavar, 2023). Comparative analysis of India and South Africa similarly demonstrates how constitutional courts operate within broader relationships involving executive accountability and the realization of socio-economic rights (Radley Henrico, 2023). Indonesia presents a different institutional trajectory, where judicial reform has strengthened formal safeguards while political and institutional pressures continue to shape debates about judicial independence.

The comparison therefore indicates that formal legal design alone cannot explain differences in legal development. Judicial independence, political interference, institutional accountability, legal culture, and implementation capacity interact differently across jurisdictions. Legal development is consequently shaped by the relationship between formal institutions and the political and social conditions within which those institutions operate. Rather than treating any one jurisdiction as a model, the comparative analysis demonstrates that similar constitutional commitments can produce different outcomes depending on institutional capacity, political constraints, and social context.

Structural Constraints and the Limits of Legal Development

The preceding analysis demonstrates that the limitations of legal development do not operate independently. Political influence can affect institutional capacity and accountability; institutional weakness can widen the gap between formal rules and their implementation; and economic inequality can determine the extent to which individuals are able to access and benefit from legal protections. At the same time, transnational norms and technological transformation introduce external pressures that can reshape regulatory

authority and create new forms of institutional dependency. These relationships are synthesized in the following conceptual model.

Table 2. Conceptual Model of Structural Constraints Shaping Legal Development

Dimension	Structural Constraint	Key Relationship	Effect on Legal Development
Power & Institutions	Political entanglement	Power shapes institutional autonomy and capacity	Weakens independence and accountability
Law & Society	Proceduralism and inequality	Institutional weakness and unequal resources limit implementation and access to justice	Widens the gap between formal rights and substantive outcomes
Transnational Forces	External influence	Unequal capacity affects adaptation of external legal models	May create regulatory dependency
Technological Change	Regulatory lag	Rapid technological change challenges institutional oversight	Creates regulatory gaps and new forms of institutional power

The model demonstrates that the constraints affecting legal development are mutually reinforcing rather than isolated. Political power influences the institutional conditions under which law is formulated and applied, particularly by affecting institutional autonomy, accountability, and capacity. Where these institutional conditions are weakened, the ability of legal institutions to translate formal rules into effective practice is correspondingly reduced. Implementation gaps then become socially significant because individuals do not experience formal legal protections equally. Those with fewer economic and social resources may face greater difficulty accessing legal institutions and obtaining effective remedies. The relationship therefore extends from the distribution of political power to institutional capacity, from institutional capacity to implementation, and from implementation to substantive access to justice.

The model also demonstrates that legal development operates within an increasingly complex external environment. Transnational norms can introduce regulatory standards and legal models, but their domestic effects depend on the capacity of national institutions to evaluate, adapt, and implement them. Technological transformation creates a similar pressure by changing the speed and structure of regulatory decision-making and by introducing private technological actors into areas traditionally governed by public institutions. These forces can therefore interact with existing institutional weaknesses, creating new forms of regulatory dependency where domestic institutions lack sufficient capacity or authority to exercise effective oversight. Conversely, institutions with stronger autonomy, accountability, and adaptive capacity can mediate these pressures and incorporate external and technological developments without surrendering domestic regulatory agency.

The interaction among these dimensions demonstrates that the limits of legal development cannot be explained by deficiencies in legal rules alone. Rather, the transformative capacity of law depends on whether political power is effectively constrained,

institutions possess sufficient autonomy and capacity, legal norms can be implemented in practice, and individuals can access the rights and remedies formally provided by law. Transnational and technological developments further complicate this process by reshaping the sources, speed, and distribution of regulatory authority. Recent research on legal transplantation similarly shows that formal adoption does not guarantee effective enforcement where institutional capacity, legitimacy, and contextual adaptation remain limited (Darr, 2025) . Legal development should therefore be understood as a dynamic process in which power structures, institutional capacity, normative commitments, social conditions, technological change, and transnational forces continuously interact. The central analytical implication is that meaningful legal development requires more than the expansion of formal legal frameworks; it requires institutions capable of translating normative commitments into effective and socially accessible outcomes while retaining sufficient capacity to respond to changing technological and transnational pressures.

Conclusion

This study concludes that legal development is a contested and non-linear process in which political power, institutional dynamics, justice, social realities, legal culture, technological change, and transnational influences interact to shape both the development and practical operation of law. In response to the first research question, the analysis demonstrates that political power influences legal development through institutional mechanisms such as legislation, judicial processes, and the exercise of regulatory authority, while the degree of institutional independence, accountability, capacity, and integrity determines how effectively legal norms can be implemented. In response to the second research question, the study finds that substantive justice and legal legitimacy depend not only on formal legal recognition but also on institutional capacity, social inequality, legal culture, and the ability of individuals to access and benefit from legal protections. The comparative analysis further shows that similar formal legal commitments can operate differently across jurisdictions because political, institutional, and social conditions mediate their practical effects. The study's principal contribution is therefore an integrated conceptual framework that explains legal development through the interaction of power structures, institutional capacity, normative ideals, and social realities, while recognizing that technological transformation and transnational legal influence can create additional forms of regulatory authority and dependency. This extends legal politics scholarship beyond the general assertion that law and politics are interconnected, contributes to socio-legal analysis by linking formal norms with their social operation, and adds to law and development scholarship by emphasizing institutional capacity and contextual adaptation alongside formal reform. The study is nevertheless limited by its reliance primarily on secondary materials and its broad cross-jurisdictional comparison, which restrict the depth of empirical and jurisdiction-specific analysis; despite these limitations, the findings demonstrate that meaningful legal development depends not simply on the creation of legal rules but on the institutional and social conditions through which those rules are translated into legitimate, accessible, and substantive outcomes.

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AUTHOR CONTRIBUTIONS STATEMENT

NL contributed to the conceptualization of the research, data collection, data analysis, and manuscript preparation. A contributed to the literature review and data interpretation. YW contributed to the editing, translation, and final review of the manuscript. All authors have read and approved the final version of the article for publication.

AI USAGE STATEMENT

The author declares that the use of Artificial Intelligence (AI) technology in the preparation of this article was limited to supportive functions, such as assisting with language editing, grammar checking, and improving the clarity and readability of the manuscript. AI technology was not used to generate the main research ideas, conduct substantive analysis, interpret the data, or formulate the scientific conclusions. All content, analyses, arguments, and research findings presented in this article are entirely the responsibility of the author. The author also ensures that the article has been prepared in accordance with the principles of originality, accuracy, and academic integrity, consistent with established standards of scholarly publication ethics. AI technology has not been listed as an author or contributor to this research.

CONFLICT OF INTEREST

The author declares that there are no conflicts of interest associated with the conduct of this research or the publication of this article, whether personal, professional, or financial in nature. All stages of the research and manuscript preparation were conducted objectively and in accordance with the principles of research integrity and scholarly publication ethics.

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