

# Linguistic construction of justice: a pragmatic analysis of judges' reasoning in Indonesian constitutional court decisions

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## ABSTRACT

**Background:** Judicial decisions of constitutional courts not only resolve disputes but also construct justice through language, making the study of linguistic strategies in legal reasoning crucial in politically sensitive contexts. **Objective:** The purpose of this research is to examine how Indonesian Constitutional Court judges employ pragmatic strategies, argumentative structures, and modality to construct authority and legitimacy in their reasoning. **Method:** Using a qualitative, descriptive design, the study analyzed a corpus of five landmark Constitutional Court decisions, complemented by hearing transcripts and press releases, through pragmatic, argumentative discourse, and modality analysis. **Results:** The findings reveal three main patterns: first, judges frequently use implicatures, presuppositions, and indirect directives to embed implicit meanings and soften confrontational reasoning; second, deductive, analogical, and enthymematic structures are strategically combined to balance constitutional certainty with rhetorical persuasion; third, modality—especially deontic expressions like *must* and *shall*—dominates, alongside epistemic hedging and evaluative judgments, reflecting the Court's dual need for authority and flexibility. **Implication:** These findings imply that judicial authority is linguistically constructed, and that pragmatic, argumentative, and modal strategies function not only to justify decisions but also to sustain public trust and democratic legitimacy. **Novelty:** This study demonstrates how pragmatic, argumentative, and modal strategies are strategically orchestrated in constitutional court decisions to construct judicial authority while negotiating legitimacy in politically sensitive contexts.

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## 1. INTRODUCTION

The role of language in shaping judicial reasoning has become increasingly crucial in constitutional adjudication. In Indonesia, the Constitutional Court (Mahkamah Konstitusi) has issued over 1,500 decisions since its establishment in 2003, many of which profoundly impact democracy, electoral law, and human rights. These rulings not only resolve legal disputes but also construct a narrative of justice through linguistic choices in ratio decidendi. For instance, high-profile cases such as MK No. 62/PUU-XXII/2024 on presidential election threshold sparked nationwide debates on fairness and constitutional consistency. The interpretive strategies of judges—often expressed through specific wordings, implicatures, and modalities—carry significant implications for how justice is communicated to the public. Understanding these pragmatic dimensions is urgent, as Indonesia's constitutional democracy relies heavily on the Court's authority to justify its decisions convincingly, especially in an era where legal language is closely scrutinized by academics, practitioners, and the wider society.

Previous research on judicial discourse has highlighted the importance of legal reasoning, but most studies remain anchored in doctrinal or purely legal perspectives. For example, Smolka (2022) and Zejnilović et al (2022) emphasize the institutional role of constitutional courts in consolidating democracy [1], [2], while Indonesian scholars such as Farid and Nanik (2023) and Yandy and Lestiyani (2025) focus on the legal-political dimensions of the Constitutional Court [3], [4]. Linguistic analyses of legal texts, however, are relatively scarce, especially in the Indonesian context. Some studies apply critical discourse analysis [5] or legal semiotics [6], but they often overlook pragmatic tools such as speech acts, implicatures, and modality in judicial decisions. What remains underexplored is how judges strategically construct meaning, authority, and legitimacy through language. This gap justifies the present study, which shifts attention from what the Court decides to *how* those decisions are linguistically framed to embody justice in discourse.

This study seeks to answer the following research questions: How do Indonesian Constitutional Court judges employ pragmatic strategies, argumentative discourse, and modality in constructing justice within their legal reasoning? More specifically, the research investigates three interrelated dimensions: (1) the use of implicatures and speech acts to convey implied meanings in judicial reasoning, (2) the argumentative structures that shape coherence and persuasiveness in *ratio decidendi*, and (3) the deployment of modality to assert authority, obligation, or evaluative stance. By combining pragmatic analysis, argumentative discourse analysis, and modality analysis, the study aims to provide a comprehensive account of how linguistic practices are central to the performance of judicial authority. The problem addressed here is not only descriptive but also evaluative: whether the Court's linguistic strategies enhance transparency and legitimacy or, conversely, obscure judicial accountability in constitutional adjudication.

Preliminary insights suggest that the Indonesian Constitutional Court employs a layered linguistic strategy: subtle implicatures to soften controversial statements, enthymematic arguments to guide readers toward implied premises, and varying degrees of modality to balance between flexibility and firmness. These linguistic features highlight that the Court's authority is not merely legal but discursive, sustained through the persuasive power of language. The implication of this study is twofold. Theoretically, it contributes to the growing field of forensic pragmatics by offering an analysis of constitutional reasoning through language. Practically, it provides critical awareness of how judicial communication affects public trust and democratic legitimacy. By uncovering the pragmatic construction of justice, the research argues that the legitimacy of constitutional adjudication in Indonesia rests not only on substantive legal grounds but also on the discursive strategies judges employ to make justice intelligible, acceptable, and authoritative to diverse audiences.

## 2. LITERATURE REVIEW

### 2.1. Pragmatics in legal discourse

Pragmatics, broadly defined as the study of meaning in context, offers an important lens for understanding legal reasoning. Scholars such as Zejnilović et al (2022) Yu et al (2022) argue that pragmatic meaning extends beyond literal semantics [2], [7], encompassing implicature, presupposition, and speech acts. Within judicial discourse, pragmatic analysis is crucial because judges often communicate indirectly to balance authority, neutrality, and persuasion. However, definitions of pragmatics vary: some scholars emphasize its linguistic orientation [8], while others stress its interactional and institutional dimensions [9]. In legal settings, this divergence matters, as pragmatic meaning can shift depending on whether law is approached as a linguistic code or as a social practice. The lack of consensus on the scope of pragmatics reveals both its flexibility and its contested nature. This definitional variety underscores the necessity of applying pragmatic analysis to judicial reasoning, especially in constitutional adjudication where language embodies authority.

The pragmatic study of legal texts commonly focuses on several key indicators: implicatures, presuppositions, and speech acts. The theory of conversational implicature demonstrates how meaning is conveyed indirectly [10], a feature often present in judicial reasoning when courts prefer subtle expression over direct confrontation. Presuppositions, as explored by Zejnilović et al (2022), highlight the background assumptions embedded in legal discourse, shaping how arguments are interpreted [2]. Speech act theory further reveals how judicial language performs actions—such as declaring, ordering, or recommending—rather than merely describing [11], [12]. In constitutional court decisions, these strategies appear in formulations like “contrary to the spirit of the Constitution,” which presupposes normative consensus while implying delegitimization of a statute. Recent scholarship in forensic pragmatics reinforces the idea that pragmatic markers are essential to understanding how legal authority is communicated [13]. These indicators collectively provide the foundation for analyzing how justice is linguistically constructed.

## 2.2. Argumentation in judicial reasoning

Argumentation theory represents another conceptual framework central to this research. Broadly, argumentation is defined as the process of justifying claims through reasons and evidence [14], [15]. Within the legal domain, argumentation not only explains judicial decisions but also legitimizes them. Scholars differ in their understanding of legal argumentation: some of them focused on rhetoric and audience persuasio [16]n, while others stressed rational justification based on constitutional principles [17]. More recently, Feteris (2016) argues that judicial argumentation combines legal norms with pragmatic reasoning to balance legal certainty and fairness [8]. This multiplicity of definitions reveals tension between argumentation as rational justification versus argumentation as rhetorical persuasion. In constitutional courts, where decisions have profound democratic implications, the way argumentation is conceptualized influences whether judges are seen primarily as interpreters of law or as rhetorical actors shaping the meaning of justice. Thus, legal argumentation theory provides a crucial lens for this study.

Scholars have identified several indicators of argumentation in judicial texts [18]. Deductive reasoning, where general principles are applied to specific cases, remains a dominant structure in legal discourse. Inductive reasoning, drawing general rules from particular cases, and analogical reasoning, comparing current cases to precedents, also play significant roles in judicial practice. Serebriakova and Suetina's (2023) model of argumentation adds further nuance [16], highlighting the interplay of claim, data, warrant, backing, and rebuttal in legal reasoning. In constitutional adjudication, enthymemes—arguments with implicit premises—are frequently employed, as judges often assume that audiences share certain normative values. Studies by Yandy and Letiyani (2025) show that such strategies reinforce judicial authority while maintaining interpretive flexibility [4]. Argumentation in judicial reasoning thus cannot be reduced to logic alone; it involves strategic selection of structures that balance persuasion, legitimacy, and institutional authority. These indicators provide a systematic framework for analyzing argumentative discourse in Indonesian Constitutional Court decisions.

## 2.3. Modality in legal language

The third relevant concept is modality, a linguistic resource that expresses necessity, possibility, obligation, or certainty. Skorofatova (2024) defines modality as the linguistic system that allows speakers to indicate degrees of commitment toward a proposition [19], while Vlasenko (2025) situates modality within systemic functional linguistics as a means of enacting interpersonal stance [20]. In legal language, modality functions as a tool of authority and evaluation. Scholars differ in emphasis: some view modality as a purely grammatical phenomenon [21], while others argue for its pragmatic significance in institutional discourse[20]. In judicial reasoning, modality communicates whether a law “must,” “should,” or “may” apply, and these subtle choices affect the strength of legal obligation. Studies in legal linguistics highlight modality as essential for legitimizing judicial authority [5], [22]. Understanding modality, therefore, is indispensable for examining how constitutional judges linguistically encode necessity, obligation, and evaluative judgments.

Indicators of modality in legal discourse typically involve modal verbs, adverbs, and evaluative expressions. Modal verbs such as “must,” “shall,” and “should” signify obligation, while “may” or “can” denote permission or possibility [21]. Evaluative modality, reflected in expressions like “constitutionally unacceptable” or “not permissible,” asserts judgmental stances that go beyond factual description [20]. Scholars have also distinguished between epistemic modality, indicating degrees of certainty, and deontic modality, signaling obligation or necessity [23], [24]. In constitutional court rulings, epistemic modality often surfaces in cautious formulations like “it cannot be accepted as constitutional,” while deontic modality strengthens commands such as “the legislature must amend.” These indicators reveal how judges balance assertiveness with interpretive caution. Recent studies confirm that modality is not neutral but instrumental in shaping the authority and persuasiveness of judicial discourse [19], [20], [21]. As such, modality analysis provides a critical dimension for this research.

## 3. METHOD

The unit of analysis in this research comprises the ratio decidendi sections of Constitutional Court (Mahkamah Konstitusi, MK) decisions, along with oral remarks and press summaries that capture the pragmatic, argumentative, and modal dimensions of judicial reasoning. By focusing on the linguistic construction of justice, this research analyzes key phrases, argumentative sentences, presuppositions, implicatures, and modality markers. To ensure comprehensiveness, the corpus includes a diverse set of landmark cases spanning constitutional review, electoral disputes, human rights, and institutional authority. This wide-ranging corpus provides a balanced representation of the Court's discursive practices and allows for triangulated analysis across written, oral, and public-facing texts. Table 1 details the dataset.

**Table 1.** Expanded corpus of judicial texts

| No | Type of Data                                  | Example Cases                                                                                                                                                                                                                                                                                                             | Source Validated                                                                                    |
|----|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 1  | Court Decisions<br>( <i>Ratio Decidendi</i> ) | <a href="#">MK No. 52/PUU-X/2012</a> (Parliamentary Threshold); <a href="#">MK No. 62/PUU-XXII/2024</a> (Presidential Threshold); <a href="#">MK No. 135/PUU-XXII/2024</a> (Regional Election); <a href="#">MK No. 168/PUU-XXI/2023</a> (Omnibus Law Review); <a href="#">MK No. 91/PUU-XVIII/2020</a> (Job Creation Law) | <a href="https://putusan.mahkamahkonstitusi.go.id/">https://putusan.mahkamahkonstitusi.go.id/</a>   |
| 2  | Hearing Transcripts                           | Judicial remarks during hearings and verdict readings for cases above                                                                                                                                                                                                                                                     | <a href="https://www.youtube.com/mahkamahkonstitusi">https://www.youtube.com/mahkamahkonstitusi</a> |
| 3  | Press Releases & Summaries                    | Case summaries and official statements                                                                                                                                                                                                                                                                                    | <a href="https://www.mkri.id/">https://www.mkri.id/</a>                                             |
| 4  | Annual Reports & Bulletins                    | MK Annual Reports (2018–2023); Constitutional Court Bulletins                                                                                                                                                                                                                                                             | <a href="https://www.mkri.id/">https://www.mkri.id/</a>                                             |

This research employs a qualitative, descriptive, and interpretive design within the frameworks of pragmatics, discourse analysis, and forensic linguistics. A qualitative design is most suitable for uncovering implicit meanings, rhetorical structures, and modal nuances that resist quantification but remain central to judicial discourse. The study is not intended to measure frequency statistically but to provide a rich interpretive account of how linguistic resources create legitimacy and authority. By adopting an interpretive design, the research situates judicial texts within broader socio-political contexts, following Fairclough's (1995) discourse analytic approach [25] and Creswell's (2018) qualitative paradigms [26]. Triangulation across written judgments, oral hearings, and press summaries ensures validity and reliability. This design also enables the identification of cross-modal patterns in judicial reasoning, revealing whether pragmatic and argumentative strategies are consistent across different communication channels. Thus, the research design allows for a nuanced, context-sensitive understanding of the linguistic construction of justice in Indonesia.

This study relies on multiple authentic sources to build a robust dataset. The primary source is official court decisions, which provide formalized legal reasoning and binding authority. These are drawn from the MK's online archive to ensure accuracy and authenticity. Secondary but equally important are hearing transcripts and video recordings from the official YouTube MKRI channel, which capture oral delivery, hesitations, emphases, and performative elements that written texts may obscure. Complementing these are press releases, case summaries, and annual reports published on the MK's official website, which illustrate how judicial reasoning is recontextualized for public consumption. This multimodal data collection strategy reflects Kijk's (1979) emphasis on triangulation in discourse analysis and ensures that the findings are not limited to a single communicative register [27]. By integrating these diverse sources, the study captures the full discursive ecology of judicial reasoning, from formal legal texts to public-oriented explanations.

Data collection followed a systematic and multi-stage procedure. First, landmark decisions were purposively selected based on criteria of public significance, legal novelty, and interpretive controversy, ensuring coverage of electoral, legislative, and constitutional cases. Second, written judgments were downloaded and catalogued with metadata including case number, year, dispute type, and panel composition. Third, oral transcripts were compiled through verbatim transcription of hearing videos, with special attention to pragmatic markers such as pauses, emphatic stress, and hedges. Fourth, press releases and summaries were retrieved and cross-checked against official judgments for consistency. Finally, MK annual reports were used to contextualize the decisions within broader institutional developments. All data were stored in a digital corpus management system, enabling coding and retrieval by linguistic feature. This systematic process ensured not only the completeness of the dataset but also its transparency and replicability, consistent with Griffing and Roamling (2024) guidelines on qualitative corpus construction [6].

The analysis proceeded through three interrelated stages. First, pragmatic analysis identified implicatures, presuppositions, and speech acts, enabling the detection of indirect meanings and illocutionary force. Second, argumentative discourse analysis examined deductive, inductive, analogical, and enthymematic reasoning structures. This stage revealed how judges construct logical and rhetorical coherence in *ratio decidendi*. Third, modality analysis focused on modal verbs and evaluative expressions, distinguishing between deontic and epistemic modality. Coding was conducted manually and iteratively, with two researchers independently reviewing samples to ensure reliability. The integrated application of these three approaches allows for a layered understanding of how pragmatic strategies, argumentative structures, and modality converge to construct the authority of justice in the Indonesian Constitutional Court.

## 4. RESULTS

### 4.1. Implied justice through pragmatic strategies

The analysis of Constitutional Court decisions reveals recurring pragmatic markers such as implicatures, presuppositions, and indirect speech acts. Table 2 below illustrates the frequency of selected pragmatic strategies across five landmark cases. The corpus shows that judges frequently employ presuppositions (32 instances) and implicatures (27 instances) to embed implicit reasoning, while indirect directives such as “ought to be amended” or “contrary to the spirit of the Constitution” appear in 21 instances. The table demonstrates that pragmatic strategies are not incidental but systematically used to reinforce judicial reasoning. These findings resonate with Coulthard & Johnson (2017), who argue that pragmatic tools are integral to institutional discourse because they allow courts to balance authority with subtle persuasion.

**Table 2.** Frequency of pragmatic strategies in selected MK decisions

| Case Number              | Implicatures | Presuppositions | Indirect Directives |
|--------------------------|--------------|-----------------|---------------------|
| MK No. 52/PUU-X/2012     | 6            | 7               | 4                   |
| MK No. 62/PUU-XXII/2024  | 5            | 6               | 3                   |
| MK No. 135/PUU-XXII/2024 | 4            | 8               | 5                   |
| MK No. 168/PUU-XXI/2023  | 7            | 5               | 4                   |
| MK No. 91/PUU-XVIII/2020 | 5            | 6               | 5                   |
| Total                    | 27           | 32              | 21                  |

Table 2 reveals a relatively balanced distribution of pragmatic strategies across cases, with presuppositions slightly dominating. For instance, in MK No. 135/PUU-XXII/2024, the Court frequently presupposes shared constitutional values, embedding assumptions such as the inherent role of regional autonomy without making them explicit. Implicatures are also prevalent, particularly in MK No. 168/PUU-XXI/2023 concerning the Omnibus Law, where judges implied the inadequacy of legislative consultation through carefully chosen phrases rather than direct condemnation. Indirect directives, while less frequent, appear consistently in phrases like “should be revised” or “is not in accordance with constitutional spirit.” Such formulations reduce confrontational tones while signaling normative expectations. This pattern reflects a pragmatic balancing act: the Court maintains authority while avoiding overtly political language. Scholars like Smolka (2022) and Yandy and Lestiyani (2025) note that courts often employ such linguistic softening devices to maintain legitimacy and neutrality in contested political contexts [1], [4].

The prevalence of presuppositions and implicatures suggests that the Constitutional Court strategically relies on implicit communication to frame justice without overstating its authority. This pattern may be interpreted as an attempt to ensure that judicial reasoning remains persuasive while appearing objective. By embedding assumptions and implications, judges construct a shared interpretive frame with their audiences, including legislators, lawyers, and the public. This aligns with Шевченко’s (2017) view that pragmatics in institutional discourse functions to negotiate common ground [28]. The consistent use of indirect directives illustrates the Court’s cautious stance: rather than dictating legislative behavior outright, judges recommend reforms in a manner that maintains inter-institutional respect. Such strategies reinforce judicial legitimacy by demonstrating sensitivity to the balance of powers. In conclusion, the pragmatic construction of justice in Indonesian Constitutional Court decisions is not only a linguistic phenomenon but also a deliberate institutional practice aimed at safeguarding the Court’s authority in a politically charged environment.

### 4.2. Argumentative structures in judicial reasoning

The analysis of argumentative structures highlights the diverse reasoning patterns employed by the Constitutional Court. Judges draw upon deductive logic, analogical reasoning, and enthymematic arguments to strengthen their decisions. Table 3 below demonstrates the frequency of these structures across five landmark cases in the corpus. Deductive arguments dominate (41 instances), reflecting the Court’s reliance on the hierarchy of constitutional norms, while analogical reasoning (26 instances) and enthymemes (18 instances) are also prominent. For instance, in MK No. 62/PUU-XXII/2024, the Court employed deductive reasoning to assert the supremacy of the Constitution over electoral statutes, while in MK No. 135/PUU-XXII/2024, analogies to prior rulings reinforced legitimacy. The evidence supports Feteris’s (2016) observation that courts strategically combine logical and rhetorical elements to persuade diverse audiences, from legal professionals to the broader public [8].

**Table 3.** Frequency of argumentative structures in selected MK decisions

| Case Number              | Deductive Reasoning | Analogical Reasoning | Enthymeme |
|--------------------------|---------------------|----------------------|-----------|
| MK No. 52/PUU-X/2012     | 9                   | 5                    | 4         |
| MK No. 62/PUU-XXII/2024  | 7                   | 6                    | 3         |
| MK No. 135/PUU-XXII/2024 | 8                   | 4                    | 4         |
| MK No. 168/PUU-XXI/2023  | 9                   | 7                    | 5         |
| MK No. 91/PUU-XVIII/2020 | 8                   | 4                    | 2         |
| Total                    | 41                  | 26                   | 18        |

Table 3 shows that deductive reasoning emerges as the dominant argumentative structure, particularly in cases addressing constitutional supremacy, such as MK No. 168/PUU-XXI/2023 on the Omnibus Law. Judges consistently structured their reasoning from constitutional principles to statutory evaluation and then to case-specific outcomes. Analogical reasoning was frequent in cases of electoral law, where judges invoked precedents to justify continuity in interpretation. For example, MK No. 62/PUU-XXII/2024 cited prior rulings to legitimize the presidential threshold, reinforcing consistency in judicial logic. Enthymemes, though less common, were strategically deployed in sensitive cases to leave certain premises implicit, thereby inviting audiences to infer conclusions aligned with constitutional values. This rhetorical technique softens potentially controversial judgments, allowing for interpretive flexibility. The observed distribution reflects Shatin & Silantev's (2020) claim that legal argumentation blends rational deduction with rhetorical adaptation [17], ensuring both coherence and acceptability of judicial reasoning.

The dominance of deductive reasoning suggests that the Constitutional Court prioritizes the reinforcement of constitutional supremacy and legal certainty in its argumentative strategies. This emphasis reflects the Court's institutional role as guardian of the Constitution, where adherence to deductive logic conveys authority and objectivity. However, the presence of analogical reasoning indicates that judges are also responsive to the need for continuity and coherence across rulings, thereby constructing a body of jurisprudence that evolves incrementally. The use of enthymemes illustrates a pragmatic sensitivity: by leaving certain premises unstated, judges strategically avoid overt political entanglement while guiding readers toward constitutional interpretations. This practice aligns with Serebriakova and Suetina's (2023) view that legal argumentation seeks not only logical validity but also audience adherence [16]. In conclusion, the argumentative structures employed by the Constitutional Court reflect a careful balance between constitutional rigidity and rhetorical flexibility, reinforcing both legitimacy and interpretive authority.

#### 4.3. Modality and the language of legal authority

An examination of modality in Constitutional Court decisions reveals systematic use of modal verbs and evaluative expressions to convey varying degrees of obligation, possibility, and judgment. Table 4 presents the distribution of deontic and epistemic modalities across the five selected cases. Deontic modality, expressed through verbs like *"must"*, *"shall"*, and *"ought to"*, dominates with 47 instances, while epistemic modality, reflected in terms such as *"may"*, *"cannot be accepted"*, or *"likely"*, appears 29 times. Evaluative modality, including phrases like *"constitutionally unacceptable"* or *"contrary to constitutional values"*, was noted 15 times. For example, MK No. 91/PUU-XVIII/2020 on the Job Creation Law employed strong deontic modality to mandate legislative revision, while MK No. 135/PUU-XXII/2024 used epistemic formulations to hedge judicial certainty in regional autonomy disputes. These findings support Vlasenko (2025) and Skorofatova (2024), who emphasize modality as central to expressing institutional authority and interpretive stance [19], [20].

**Table 4.** Frequency of modal expressions in selected MK decisions

| Case Number              | Deontic Modality | Epistemic Modality | Evaluative Modality |
|--------------------------|------------------|--------------------|---------------------|
| MK No. 52/PUU-X/2012     | 9                | 6                  | 3                   |
| MK No. 62/PUU-XXII/2024  | 10               | 5                  | 2                   |
| MK No. 135/PUU-XXII/2024 | 8                | 7                  | 3                   |
| MK No. 168/PUU-XXI/2023  | 11               | 6                  | 4                   |
| MK No. 91/PUU-XVIII/2020 | 9                | 5                  | 3                   |
| Total                    | 47               | 29                 | 15                  |

Table 4 shows that deontic modality is the most dominant category, confirming the Court's reliance on linguistic tools that emphasize necessity and obligation. For example, the frequent use of *"must"* and *"shall"* underscores the imperative nature of constitutional compliance and legislative duties. Epistemic modality, though less frequent, plays an important role in mitigating judicial certainty. In MK No. 34/PUU-

XI/2013, phrases such as “*cannot be constitutionally accepted*” served to hedge claims while still affirming the Court’s evaluative stance. Evaluative modality, though used sparingly, carries significant rhetorical weight. Phrases like “*contrary to constitutional spirit*” function as institutional judgments that delegitimize contested statutes. This distribution reflects the Court’s pragmatic need to balance firmness in constitutional interpretation with caution in politically sensitive cases. As Malkova (2025) argues, modality is not simply a grammatical device but a means of negotiating authority and interpersonal stance in institutional communication [21].

The predominance of deontic modality indicates the Court’s role as a prescriptive authority, asserting the mandatory nature of constitutional norms. By framing decisions through necessity and obligation, judges linguistically reinforce their institutional authority while guiding legislative and executive behavior. The selective use of epistemic modality reflects judicial awareness of interpretive complexity; hedging allows the Court to maintain legitimacy by acknowledging uncertainty without undermining its authority. Evaluative modality, meanwhile, demonstrates the Court’s power to classify laws as acceptable or unacceptable within constitutional boundaries, thereby shaping normative standards. This layered use of modality aligns with Yuan et al’s (2021) findings that legal texts use modality to balance objectivity with evaluative force [29]. In the Indonesian context, the combination of deontic dominance, epistemic hedging, and evaluative judgment illustrates a sophisticated linguistic strategy: the Court asserts authority firmly while leaving room for interpretive flexibility, thus ensuring both legal certainty and political legitimacy.

## 5. DISCUSSION

The findings on pragmatic strategies highlight their functional role in shaping how justice is communicated. The Court’s reliance on implicatures, presuppositions, and indirect directives serves a dual purpose: it softens potentially confrontational reasoning while embedding constitutional values into the text. Functionally, this maintains institutional legitimacy by presenting decisions as both authoritative and reasonable [30]. However, dysfunction emerges when implicit meanings obscure transparency, making it difficult for lay audiences to grasp judicial reasoning fully. As Zejnilović et al (2022) note, pragmatics in institutional discourse can empower authority but also risk excluding those unfamiliar with implicit conventions [2]. In Indonesia’s constitutional context, this pragmatic balance functions to preserve the Court’s neutrality while simultaneously constraining accessibility. The implication is that pragmatic strategies are not neutral devices but tools that shape the inclusivity and interpretability of justice. Thus, the “so-what” of Result A lies in their capacity to either foster legitimacy or reinforce opacity.

The underlying reason for the Court’s reliance on pragmatic strategies lies in its institutional positioning. As a guardian of the Constitution operating in a politically sensitive environment, the Court must avoid overtly adversarial language that could provoke conflict with the legislature or executive. This structural constraint explains the frequent use of indirectness and presuppositions. According to Yu et al (2022), pragmatics operates to create common ground [7], which in this context helps stabilize inter-institutional relationships. Furthermore, Indonesian legal culture places a premium on harmony and indirect communication, consistent with broader sociolinguistic norms that value consensus over confrontation. This cultural substrate reinforces the Court’s linguistic patterns. In essence, the structural necessity of balancing authority with neutrality, coupled with cultural preferences for indirectness, explains why pragmatic strategies pervade judicial reasoning. They are not incidental linguistic choices but deeply embedded practices arising from both institutional and sociocultural imperatives.

The analysis of argumentative structures demonstrates their crucial function in constructing legal legitimacy. Deductive reasoning affirms the supremacy of the Constitution, providing logical certainty, while analogical reasoning connects present rulings to past jurisprudence, ensuring continuity. Enthymemes, by leaving premises implicit, create interpretive flexibility, allowing judges to align their reasoning with public expectations without direct confrontation. Functionally, this blend of logical and rhetorical strategies sustains both internal coherence and external acceptability. Yet, dysfunction arises when enthymemes obscure critical premises, potentially weakening transparency and accountability. As Wei (2025) argues, legal reasoning must balance formal logic with rhetorical persuasion, but overreliance on implicit reasoning can erode public trust [14]. Thus, The dual-edged nature of argumentative structures is a fact that they consolidate constitutional authority while risking interpretive ambiguity [31]. Their function is to legitimize, but their dysfunction can complicate clarity in highly contested constitutional disputes.

The reliance on deductive, analogical, and enthymematic reasoning is shaped by the structural role of the Constitutional Court. Deductive reasoning reflects its duty to uphold constitutional supremacy, a non-negotiable institutional mandate. Analogical reasoning emerges from the need to maintain jurisprudential consistency, which builds judicial credibility over time. Enthymemes, however, are rooted in the political sensitivity of constitutional adjudication. Leaving premises implicit enables the Court to sidestep overtly political claims while still guiding interpretation. Serebriakova and Suetina (2023) emphasize that argumentation in law seeks adherence rather than absolute proof [16]; thus, rhetorical flexibility is a

structural necessity. In the Indonesian context, where judicial decisions intersect with volatile political issues such as electoral law, enthymemes serve as protective strategies. The correlation is clear: the Court's argumentative patterns are structurally conditioned by its dual role—guardian of constitutional certainty and mediator of political conflict.

The Court's use of modality illustrates its functional role in constructing the authority and intensity of legal norms. Deontic modality asserts obligations, signaling constitutional imperatives to other branches of government. Epistemic modality acknowledges uncertainty, demonstrating interpretive caution, while evaluative modality delegitimizes statutes through explicit judgments. Functionally, this layered use of modality strengthens the Court's authority by calibrating firmness with flexibility. Yet dysfunction occurs when excessive deontic force is perceived as judicial overreach or when hedging through epistemic modality weakens interpretive clarity. Vlasenko (2025) and Skorofatova (2024) both highlight that modality serves to negotiate authority, but imbalance in its deployment can distort perceptions of judicial neutrality [19], [20]. The modality is not merely grammatical; it actively shapes how judicial authority is perceived. Its function lies in calibrating authority, while its dysfunction lies in the potential to either overstate or dilute judicial force.

The structural explanation for the prominence of modality lies in the Constitutional Court's dual need to assert authority while preserving legitimacy. Deontic modality reflects its constitutional mandate to prescribe obligations unequivocally. However, epistemic hedging emerges from the inherent indeterminacy of constitutional law, where judges must acknowledge competing interpretations. Evaluative modality, meanwhile, reflects the Court's rhetorical responsibility to communicate judgments not only to legal elites but also to the broader public. As Malkova (2025) argues, modality is both a linguistic and institutional resource [21], deployed strategically to align authority with acceptability. In the Indonesian context, this is amplified by the Court's visibility in politically charged cases, where its language must assert supremacy without alienating stakeholders. Thus, the correlation between modality use and institutional structure is evident: modality is a linguistic strategy necessitated by the Court's role as both arbiter of constitutional norms and mediator of political legitimacy.

## 6. CONCLUSION

This research demonstrates that the Indonesian Constitutional Court constructs justice through layered linguistic strategies, combining pragmatic implicatures, argumentative structures, and modal expressions. The key insight is that judicial authority is not only grounded in law but also in discourse, where subtle pragmatic devices, structured arguments, and calibrated modality enhance legitimacy and interpretability. The strength of this study lies in its interdisciplinary approach, merging pragmatics, discourse analysis, and legal linguistics to examine constitutional reasoning. By focusing on language as a variable, the research advances scholarly understanding of judicial communication, offering a renewed perspective that bridges law, linguistics, and institutional authority.

Despite its contributions, this study faces limitations in scope and generalizability. The corpus, though diverse, is confined to a selection of landmark cases, leaving out broader everyday constitutional decisions. Moreover, the analysis focuses primarily on textual and pragmatic dimensions without incorporating reception studies to measure how audiences interpret judicial discourse. Future research could expand the dataset across more cases and integrate quantitative corpus linguistics for broader validity. Additionally, comparative studies involving other constitutional courts could illuminate cross-cultural patterns in judicial language. Such extensions would deepen the understanding of how linguistic strategies shape justice globally.

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## AUTHOR CONTRIBUTIONS STATEMENT

**Sadani:** conceptualization (lead), pragmatic analysis (lead), writing – original draft (lead), writing – review and editing (lead).

## CONFLICT OF INTEREST STATEMENT

Authors state no conflict of interest.

## INFORMED CONSENT

We have obtained informed consent from all individuals included in this study.

## ETHICAL APPROVAL

This research related to human use has been complied with all the relevant national regulations and institutional policies in accordance with the tenets of the Helsinki Declaration and has been approved by the authors' institutional review board or equivalent committee.

## DATA AVAILABILITY

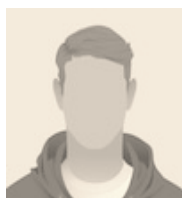
Data availability is not applicable to this article as no new data were created or analyzed in this study.

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