

Reconstructing The Function of Supreme Court Circular Letters As Internal Policy Regulations To Strengthen Judicial Supervision And The Uniformity of Judicial Practice

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ABSTRACT

This study examines the reconstruction of the function of Supreme Court Circular Letters (Surat Edaran Mahkamah Agung/SEMA) as internal policy regulations in strengthening judicial supervision and promoting the uniformity of judicial practice in Indonesia. The issue arises because, although SEMA is widely applied by judges as an authoritative guideline in judicial practice, it is not formally included within the hierarchy of Indonesian legislation under Law Number 12 of 2011 concerning the Formation of Laws and Regulations. This condition has generated uncertainty regarding its legal status, binding force, and constitutional function within the Indonesian legal system. Accordingly, this research aims to analyze the binding force and legal function of SEMA as an internal policy regulation and to formulate a reconstruction model capable of enhancing its effectiveness in judicial supervision while maintaining consistency with the principles of the rule of law and judicial independence. This study employs normative legal research using statutory and conceptual approaches. Primary, secondary, and tertiary legal materials were analyzed qualitatively through grammatical, systematic, and teleological methods of interpretation. The analysis is supported by the theory of the hierarchy of legal norms, the doctrine of internal policy regulations (*beleidsregel*), and the theory of judicial law-finding (*rechtsvinding*). The findings demonstrate that SEMA is not a statutory regulation but an internal policy instrument whose binding force derives from the Supreme Court's constitutional authority, statutory regulatory powers, and institutional acceptance within the judiciary. Furthermore, the reconstruction of SEMA should emphasize normative clarification, institutional strengthening, and operational improvement to reinforce its function as an internal policy regulation. Such reconstruction is expected to enhance judicial supervision, promote greater uniformity in judicial practice, and strengthen legal certainty without compromising judicial independence or the hierarchy of legal norms. The novelty of this study lies in proposing a comprehensive reconstruction model that clearly distinguishes SEMA as an internal policy regulation rather than a quasi-legislative instrument. The model integrates normative clarification, participatory institutional drafting, and operational evaluation, contributing to legal theory and judicial governance.

Keywords: Supreme Court Circular Letter, Internal Policy Regulation, Judicial Supervision, Uniformity of Judicial Practice, Judicial Independence.

1. INTRODUCTION

The realization of the rule of law depends not only on judicial independence but also on the consistent application of legal principles in judicial decision-making. Legal certainty can only be achieved where cases involving similar legal issues are decided according to relatively uniform standards of interpretation, thereby preventing unjustifiable disparities in judicial decisions.

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Consequently, every judicial institution requires an internal mechanism capable of promoting consistency in the application of law without undermining the constitutional principle of judicial independence. (Putra, 2023)

Within the Indonesian judicial system, this responsibility is vested in the Supreme Court of the Republic of Indonesia as the highest judicial authority exercising judicial power pursuant to Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This constitutional mandate is further implemented through Law Number 48 of 2009 concerning Judicial Power and Law Number 14 of 1985 concerning the Supreme Court, as lastly amended by Law Number 3 of 2009. In addition to exercising cassation and judicial review jurisdiction, the Supreme Court is entrusted with supervisory and administrative functions over courts under its jurisdiction in order to ensure the uniform application of law throughout Indonesia. To perform this supervisory and guidance function, the Supreme Court has consistently utilized the Supreme Court Circular Letter (Surat Edaran Mahkamah Agung, hereinafter referred to as SEMA) as an institutional instrument for providing guidance, policy directions, and interpretative clarification to judges and subordinate courts. Historically, SEMA has functioned as an internal mechanism intended to address legal uncertainty, promote consistency in judicial practice, and provide practical guidance where statutory regulations are silent or susceptible to differing interpretations. (Muharrir, 2023)

Despite its extensive use, the legal status of SEMA remains controversial within the Indonesian legal system. Under Law Number 12 of 2011 concerning the Formation of Laws and Regulations, as amended by Law Number 13 of 2022, SEMA is neither included within the hierarchy of statutory legislation nor recognized as one of the categories of regulations stipulated under Article 8. From the perspective of administrative law, SEMA is more appropriately characterized as an internal policy regulation (*beleidsregel*) issued pursuant to the Supreme Court's discretionary administrative authority in exercising its supervisory and institutional management functions. Accordingly, SEMA is not intended to establish generally binding legal norms applicable to the public but rather to regulate internal judicial administration and institutional governance. In practice, however, the function of SEMA has evolved beyond its original administrative purpose. Numerous SEMA have become primary references for judges in resolving legal issues, particularly in situations where statutory provisions are incomplete, ambiguous, or subject to divergent interpretations. Consequently, although formally classified as an internal administrative instrument, SEMA frequently performs functions comparable to normative legal regulations by substantially influencing judicial reasoning and the development of judicial practice. (Anindita, 2025)



This phenomenon is illustrated by several controversial SEMA that have generated significant academic and practical debate. For example, Supreme Court Circular Letter Number 2 of 2023 concerning applications for the registration of interfaith marriages instructs courts not to grant such applications. Although the Circular was issued to ensure consistency in judicial practice, its substantive content has been criticized for extending beyond internal judicial administration and entering the domain of substantive norm-making, which constitutionally belongs to the legislature. Similar concerns have also arisen with respect to other SEMA governing criminal sentencing guidelines, judicial administration, and procedural matters that are frequently treated by courts as though they possess binding normative authority. These developments reveal a fundamental inconsistency between the formal legal status of SEMA and its practical normative function. On the one hand, SEMA is formally regarded as an internal administrative policy instrument. On the other hand, it functions as an instrument for harmonizing judicial interpretation and guiding judicial decision-making, thereby exerting considerable influence over the administration of justice. This inconsistency creates uncertainty regarding both the legal force of SEMA and the constitutional limits of the Supreme Court's authority to formulate internal policy instruments that affect judicial practice. (Sthela Maris Belinda Setyo Widiastuti, 2025)

If this situation continues without clear conceptual limitations, SEMA may gradually transform from an internal administrative guideline into a quasi-legislative instrument capable of creating legal norms outside the constitutional legislative process. Conversely, limiting SEMA solely to the status of an ordinary administrative circular may weaken the Supreme Court's ability to effectively supervise subordinate courts and maintain consistency in judicial practice. Accordingly, there is an urgent need to reconstruct the function of SEMA by positioning it as an internal policy regulation that possesses sufficient institutional authority to support judicial supervision and promote consistency in judicial practice without exceeding the constitutional limits of normative law-making. Existing scholarship concerning SEMA has primarily focused on examining the legality or substantive content of particular Circular Letters or their position within Indonesia's legislative hierarchy. However, relatively little attention has been devoted to developing a comprehensive normative framework regarding the reconstruction of SEMA as an internal policy regulation capable of strengthening judicial supervision while simultaneously maintaining consistency in judicial practice without compromising judicial independence. This gap in the existing literature constitutes the principal research gap addressed by this study. (Raihan Andhika Santoso, 2023)

Accordingly, this research seeks to answer two principal legal questions. First, how should the legal force and function of SEMA be understood within the framework of internal policy



regulations in the Indonesian judicial system? Second, how should the function of SEMA be reconstructed in order to strengthen judicial supervision and promote greater consistency in judicial practice in Indonesia?

2. RESEARCH METHOD

This research employs a normative legal research method (juridical-normative research), which focuses on the analysis of legal norms, legal principles, and legal doctrines concerning the legal status and function of Supreme Court Circular Letters (Surat Edaran Mahkamah Agung, hereinafter referred to as SEMA) as internal policy regulations within the Indonesian judicial system. This method is appropriate because the issues examined are fundamentally normative in nature, namely the legal force of SEMA, its position within the Indonesian legal system, and the reconstruction of its function in strengthening judicial supervision and promoting uniformity in judicial practice. The research adopts both a statutory approach and a conceptual approach. The statutory approach is utilized to examine the consistency and coherence of constitutional and statutory provisions governing judicial power, the authority of the Supreme Court, administrative law, and the formation of laws and regulations. Meanwhile, the conceptual approach is employed to analyze legal doctrines relating to internal policy regulations (beleidsregels), administrative discretion, judicial independence, legal certainty, institutional supervision, and the uniform application of law. (Asikin, 2022)

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Power, Law Number 14 of 1985 concerning the Supreme Court as lastly amended by Law Number 3 of 2009, Law Number 12 of 2011 concerning the Formation of Laws and Regulations as amended by Law Number 13 of 2022, relevant Supreme Court Circular Letters (SEMA), Supreme Court Regulations (PERMA), and other legislation relevant to the issues under examination. Secondary legal materials comprise textbooks, scholarly journal articles, dissertations, theses, legal commentaries, and expert opinions addressing judicial administration, administrative law, judicial policy, and the doctrine of internal policy regulations. Tertiary legal materials include legal dictionaries, legal encyclopedias, Black's Law Dictionary, and other supporting references. All legal materials were collected through systematic library research involving the processes of inventory, identification, classification, and evaluation according to their relevance to the research issues. (Efendi, 2022)

The collected legal materials were analyzed qualitatively through grammatical, systematic, historical, and teleological methods of legal interpretation. Grammatical interpretation was



employed to determine the textual meaning of statutory provisions governing the authority of the Supreme Court and the legal position of SEMA. Systematic interpretation was used to examine the relationship between constitutional provisions, statutory regulations, and administrative law doctrines concerning internal policy instruments. Historical interpretation was applied to understand the legislative intent underlying the establishment of the Supreme Court's supervisory authority and the evolution of SEMA within Indonesia's judicial system. Teleological interpretation was utilized to identify the objectives underlying judicial supervision, institutional governance, and the promotion of consistency in judicial practice. Furthermore, the analysis adopted a legal harmonization approach to assess the compatibility between the practical function of SEMA and the constitutional principles governing judicial independence, the hierarchy of legal norms, and the rule of law. Finally, legal arguments were developed deductively by relating general legal principles and statutory norms to the specific legal issues under examination, thereby formulating a normative reconstruction of the function of SEMA as an internal policy regulation capable of strengthening judicial supervision while ensuring greater consistency in judicial practice. (Muhammad, 2021)

3. RESULT DAN DISCUSSION

The Binding Force and Function of Supreme Court Circular Letters as Internal Policy Regulations within the Supreme Court of the Republic of Indonesia

The issuance of Supreme Court Circular Letters (Surat Edaran Mahkamah Agung/SEMA) is intrinsically linked to the constitutional and statutory authority of the Supreme Court of the Republic of Indonesia as the highest judicial institution responsible for ensuring the proper administration of justice. Article 24A paragraph (1) of the 1945 Constitution authorizes the Supreme Court to adjudicate cases at the cassation level, review subordinate legislation against statutes, and exercise other powers conferred by law. This constitutional mandate is further elaborated in Article 32 paragraph (4) of Law Number 3 of 2009 concerning the Supreme Court, which authorizes the Court to issue guidance, warnings, and instructions to all courts under its jurisdiction. Likewise, Article 79 of Law Number 14 of 1985 concerning the Supreme Court expressly permits the Court to regulate matters necessary for the effective administration of justice whenever statutory law is incomplete or insufficient. The explanatory memorandum to this provision confirms that the Supreme Court may issue supplementary instruments to address legal gaps encountered in judicial practice, while Supreme Court Decree Number 82/KMA/SK/V/2013 recognizes both Supreme Court Regulations (Peraturan Mahkamah Agung/PERMA) and SEMA as instruments intended to fill legal gaps and regulate internal judicial administration. These



provisions collectively demonstrate that the Supreme Court exercises not only judicial authority but also supervisory and regulatory authority necessary to maintain consistency within the national judicial system. (Djuanda, 2019)

Although SEMA is issued pursuant to statutory authority, its legal status remains controversial because it is not expressly recognized within Indonesia's hierarchy of legislation. Law Number 12 of 2011 concerning the Formation of Laws and Regulations, as amended by Law Number 13 of 2022, exhaustively regulates the hierarchy of statutory legislation under Article 7, while Article 8 recognizes certain regulations issued by state institutions. Nevertheless, SEMA is not expressly included within either category. Consequently, SEMA cannot formally be regarded as statutory legislation possessing generally binding legal force. Instead, it constitutes an administrative instrument issued by the Supreme Court to facilitate the exercise of its constitutional functions in supervising courts and promoting consistency in judicial administration. (Manan, 2008)

The legal position of SEMA becomes clearer when examined through the theory of the hierarchy of legal norms. Adolf Julius Merkl first introduced the concept of *Stufenbau der Rechtsordnung*, arguing that every legal norm derives its validity from a higher norm within a structured legal order. Hans Kelsen subsequently refined this theory by explaining that every legal norm obtains its validity from superior norms culminating in the *Grundnorm* as the ultimate source of legal legitimacy. Hans Nawiasky further developed this concept by classifying legal norms into four hierarchical levels, namely the *Staatsfundamentalnorm*, *Staatsgrundgesetz*, *Formell Gesetz*, and *Verordnung* together with *Autonome Satzung*. These theories collectively establish that the legal validity of a norm depends not only upon its substantive content but also upon the constitutional authority and legal procedure through which it is created. Since SEMA is neither enacted through the legislative procedures prescribed by Law Number 12 of 2011 nor promulgated as statutory legislation, it cannot be classified as part of Indonesia's formal hierarchy of legal norms. (dkk, 2014)

However, excluding SEMA from the hierarchy of legislation does not mean that it lacks legal significance. Rather, its legal nature should be understood through the doctrine of policy regulations (*beleidsregels*) in administrative law. According to Philipus M. Hadjon, policy regulations arise from administrative discretion (*freies Ermessen*) exercised by public authorities to ensure the effective implementation of statutory duties where legislation does not provide sufficient operational guidance. Similarly, Bagir Manan argues that policy regulations are not statutory legislation but administrative instruments intended to guide the exercise of governmental authority. Their validity therefore depends not upon legislative status but upon whether they



remain within the scope of lawful administrative discretion. Viewed from this perspective, SEMA is more appropriately characterized as an internal policy regulation rather than a legislative instrument because its primary objective is to support judicial administration and institutional governance rather than to create generally binding legal norms. (Putra, Kedudukan SEMA dalam Sistem Hierarki Perundang-Undangan di Indonesia, 2023)

The characterization of SEMA as an internal policy regulation nevertheless raises an important question concerning its binding force. Formally, SEMA does not possess the same legal force as statutes or other legislative instruments because it is not enacted through the legislative process nor promulgated in the State Gazette. Nevertheless, limiting the analysis to formal legislative status fails to explain the practical influence of SEMA within the Indonesian judiciary. In practice, SEMA functions as an authoritative institutional guideline that is consistently observed by judges and court officials in resolving legal issues involving procedural uncertainty, inconsistent judicial interpretation, or statutory gaps. Its practical authority therefore derives from the Supreme Court's constitutional responsibility to supervise subordinate courts and ensure the uniform administration of justice rather than from legislative supremacy alone. Accordingly, the binding force of SEMA may be understood as resting upon three interrelated foundations. (Kusumaatmadja, 2005)

First, it derives from the constitutional legitimacy of the Supreme Court as the highest judicial authority entrusted with safeguarding the integrity and consistency of the national judicial system. Second, it derives from statutory provisions authorizing the Supreme Court to issue guidance and regulate matters necessary for the effective administration of justice. Third, it derives from institutional acceptance within the judiciary itself, where judges consistently recognize SEMA as an authoritative reference in interpreting and applying legal norms. These three dimensions explain why SEMA possesses considerable practical influence despite remaining outside the formal hierarchy of legislation. (Muharrir, Kekuatan Hukum Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 tentang Petunjuk Bagi Hakim dalam Mengadili Perkara Permohonan Pencatatan Perkawinan Antar-Umat yang Berbeda Agama dan Kepercayaan, 2023)

The practical significance of SEMA is reflected in several recent Circular Letters that have substantially influenced judicial practice. Supreme Court Circular Letter Number 2 of 2023 concerning applications for the registration of interfaith marriages and Supreme Court Circular Letter Number 10 of 2020 concerning state financial losses involving State-Owned Enterprises demonstrate that SEMA has evolved beyond a purely administrative instrument into a mechanism for harmonizing judicial interpretation. In both instances, SEMA sought to provide a uniform interpretative framework for issues that had generated inconsistent judicial approaches due to



statutory ambiguity or the absence of clear legislative guidance. Although this practice contributes to legal certainty and judicial consistency, it also raises constitutional concerns regarding the appropriate limits of the Supreme Court's regulatory authority. (Noer Yasin, 2023)

From the perspective of legal theory, this development reflects the process of judicial law-finding (*rechtsvinding*). As explained by Scholten, legal discovery involves more than the mechanical application of statutory provisions; it requires judges to construct legal solutions through interpretation and legal reasoning whenever legislation is incomplete. Methods such as analogy (*argumentum per analogiam*), restrictive interpretation (*rechtsverfijning*), and *argumentum a contrario* therefore become important instruments for addressing legal uncertainty. Within this framework, SEMA functions as an institutional mechanism through which the Supreme Court facilitates judicial law-finding by providing interpretative guidance capable of reducing disparities in judicial practice while preserving legal certainty. (Mertokusumo, 2010)

Nevertheless, the increasing reliance on SEMA also demonstrates the need to redefine its constitutional function. While SEMA undoubtedly contributes to judicial supervision and consistency, it should not evolve into a quasi-legislative instrument capable of creating new legal norms beyond the authority granted by legislation. Its primary function should remain that of an internal policy regulation supporting judicial administration rather than replacing Parliament's legislative function or restricting judicial independence. Accordingly, reconstructing the function of SEMA is essential to establish clearer normative boundaries between legitimate internal policy guidance and normative law-making. Such reconstruction would strengthen legal certainty, reinforce judicial accountability, and ensure that SEMA continues to serve as an effective instrument of judicial supervision without undermining the constitutional principles governing the hierarchy of legal norms and the independence of the judiciary. (Scholten, 2000)

Reconstruction of the Function of Supreme Court Circular Letters as Internal Policy Regulations in Strengthening Judicial Supervision and Uniformity of Judicial Practice

The reconstruction of the function of Supreme Court Circular Letters (*Surat Edaran Mahkamah Agung/SEMA*) should not be understood as an attempt to elevate their position within the hierarchy of legislation or to transform them into generally binding legal norms. Instead, reconstruction should focus on restoring SEMA to its original constitutional function as an internal policy regulation (*beleidsregel*) that supports judicial administration, institutional supervision, and the uniform application of law. Although SEMA has played an important role in reducing disparities in judicial practice, its application has gradually expanded beyond its original administrative purpose. In practice, judges frequently rely upon SEMA as a primary reference when resolving disputes involving ambiguous statutory provisions or legal gaps. This development



has blurred the distinction between internal administrative guidance and statutory law, creating uncertainty regarding the legal status of SEMA within Indonesia's legal system. Consequently, reconstructing its function is necessary to ensure that SEMA continues to contribute to judicial consistency without exceeding the constitutional limits of the Supreme Court's regulatory authority. (Ali, 2014)

The first dimension of reconstruction concerns the normative clarification of SEMA's legal function. As an internal policy regulation, SEMA should not operate as an independent source of law capable of creating new legal rights or obligations for litigants. Judicial decisions must continue to derive their legal authority primarily from statutes, constitutional principles, and other recognized sources of law, while SEMA should merely facilitate consistent judicial administration and procedural implementation. To prevent inconsistent interpretation, every SEMA should explicitly identify its statutory basis, institutional objectives, scope of application, and interpretative limitations. Such clarification would establish clear boundaries between legislative norms and internal judicial policies, thereby preventing SEMA from being treated as a substitute for legislation while preserving its effectiveness as an administrative instrument. This approach would also strengthen legal certainty because judges, litigants, and other legal actors would possess a clearer understanding of both the authority and the limitations of SEMA within the Indonesian legal system. (Raihan Andhika Santoso, *Kedudukan dan Kekuatan Hukum Surat Edaran Mahkamah Agung (SEMA) Dalam Hukum Positif Indonesia*, 2023)

The second dimension relates to the institutional process through which SEMA is formulated. The legitimacy of any internal policy regulation depends not only upon the formal authority of the institution issuing it but also upon the transparency, inclusiveness, and quality of its drafting process. At present, the formulation of SEMA remains largely centralized within the Supreme Court, with relatively limited participation from judges serving in different judicial environments or from external legal experts. Such an approach may reduce the practical responsiveness of SEMA to legal issues encountered by courts throughout Indonesia. Therefore, future SEMA should be prepared through a more participatory mechanism involving judges from all court jurisdictions, academics, professional organizations, and legal practitioners. Broader participation would improve the quality of legal reasoning, ensure that SEMA reflects practical judicial needs, and strengthen institutional legitimacy. Furthermore, each SEMA should be accompanied by an explanatory memorandum describing its constitutional basis, legal objectives, philosophical considerations, and expected implications for judicial practice. Such supporting documents would improve transparency while assisting judges in interpreting SEMA consistently with its intended purpose. (Noer Yasin, *Interlegality Perkawinan Beda Agama Vis a Vis Surat*



Edaran Mahkamah Agung Nomor 2 Tahun 2023 tentang Penolakan Permohonan Pencatatan Perkawinan Beda Agama di Indonesia, 2023)

The third dimension concerns the operational implementation of SEMA throughout the judiciary. The effectiveness of an internal policy regulation cannot be measured merely by its issuance but must also be assessed according to how consistently it is understood and implemented by judges and court personnel. Consequently, the Supreme Court should establish an integrated implementation framework consisting of centralized digital access to SEMA, continuous judicial education, periodic technical guidance, and regular institutional evaluation. Judicial training should extend beyond explaining the wording of individual Circular Letters and should instead emphasize their constitutional foundations, policy objectives, and relationship with statutory law. Such an approach would enable judges to distinguish between administrative guidance and binding legal norms, thereby reducing the risk of treating SEMA as an autonomous source of law. Continuous dissemination and education would also encourage greater consistency in judicial practice while respecting the constitutional independence of judges in deciding individual cases. (Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, 2010)

A further aspect of operational reconstruction involves strengthening institutional accountability through monitoring and periodic evaluation. Rather than relying primarily upon disciplinary sanctions, the implementation of SEMA should be supported by a constructive evaluation mechanism that encourages institutional learning and continuous improvement. The Supreme Court should develop a monitoring system through which courts periodically report the implementation of SEMA and identify practical difficulties encountered during its application. Such information would provide valuable feedback for revising existing Circular Letters or formulating new policy guidance where necessary. Evaluation should therefore function as an instrument for improving judicial administration rather than merely ensuring formal compliance. This approach would reinforce the adaptive character of SEMA as an internal policy regulation capable of responding to legal developments while maintaining institutional accountability and transparency. (Antry, 2026)

The proposed reconstruction also carries significant constitutional implications. Judicial consistency undoubtedly represents an essential component of legal certainty and equal treatment before the law. Nevertheless, consistency should not be achieved by allowing internal administrative instruments to function as substitutes for statutory legislation. Excessive reliance upon SEMA risks transforming an internal policy instrument into a quasi-legislative norm, thereby disrupting the constitutional allocation of powers between the legislative and judicial branches. Accordingly, reconstruction should reaffirm that SEMA functions exclusively as an institutional



mechanism supporting judicial supervision and administrative coordination rather than as an instrument for creating substantive legal norms. Such an approach preserves the constitutional hierarchy of legal norms while simultaneously protecting judicial independence, ensuring that judges remain free to interpret and apply legislation according to the facts and legal issues presented in individual cases. (M.O. Saut Hamonangan Turnip, 2024)

Ultimately, reconstructing the function of SEMA should be viewed as an effort to strengthen judicial governance rather than to expand the regulatory authority of the Supreme Court. A clearer normative framework, a more participatory drafting process, effective implementation mechanisms, and continuous institutional evaluation would collectively reinforce the legitimacy and effectiveness of SEMA as an internal policy regulation. Such reconstruction would enable SEMA to perform its original function of supporting judicial supervision and promoting greater uniformity in judicial practice without undermining the hierarchy of legislation or the constitutional principle of judicial independence. By restoring SEMA to its proper constitutional role, the Indonesian judiciary would be better positioned to achieve a balance between institutional consistency, legal certainty, judicial accountability, and the independence that remains the cornerstone of the rule of law. (Scholten, *Cara Berfikir dan Bertindak Hukum*, terjemahan R. Soeroso, 2000)

4. CONCLUSION

This study concludes that Supreme Court Circular Letters (Surat Edaran Mahkamah Agung/SEMA) constitute internal policy regulations issued pursuant to the Supreme Court's constitutional and statutory authority to supervise the judiciary and ensure the uniform administration of justice. Although SEMA is not included within the hierarchy of Indonesian legislation, its practical binding force derives from the Supreme Court's constitutional legitimacy, its regulatory authority under Article 79 of the Supreme Court Law, and its institutional acceptance by judges as an authoritative guideline in judicial administration. Accordingly, SEMA functions not as a source of generally binding legal norms but as an internal policy instrument intended to promote consistency, legal certainty, and effective judicial supervision.

This study further concludes that the reconstruction of SEMA should focus on reaffirming its original function as an internal policy regulation rather than expanding its normative authority. Such reconstruction requires three integrated measures: normative clarification of SEMA's legal basis, objectives, and limitations; institutional strengthening through a more transparent and participatory drafting process; and operational improvement through systematic dissemination, judicial training, and periodic evaluation. These measures are expected to enhance the



effectiveness of SEMA in supporting judicial supervision and promoting greater uniformity in judicial practice while preserving the constitutional principles of judicial independence, the rule of law, and the hierarchy of legal norms.

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REFERENCES

- Ali, A. (2014). *Unveiling the Veil of Law (A Conceptual Analysis Study of Ideal Law and Real Law)*. Jakarta: Kencana Prenada Media Group.
- Anindita, A. D. (2025). The Role of PT Pos Indonesia (Persero) in the Implementation of Registered Mail as a Medium for Summons and Case Notifications in the Digital Era. *Journal of Law, Humanities, and Politics*, Volume 5, 27.
- Antry, N. (2026). Paradox between Supreme Court Decisions and Regulation. *Journal of Legal and Cultural Analytics*, Volume 5, 67.
- Asikin, A. d. (2022). *Introduction to Legal Research Methods*. Jakarta: Revised Edition, Rajawali Pers.
- Djuanda. (2019). Hierarchy of Legislation in Indonesia. *Scientific Journal of Law*, Volume 5, No. 1, 55.
- et al., P. M. (2014). *Legislation on the Formation of Legislation*. Yogyakarta: Genta Publishing.
- Efendi, D. O. (2022). *Legal Research*. Jakarta: Third Edition, Sinar Grafika.
- Kusumaatmadja, M. (2005). *Introduction to Understanding Indonesian Law*. Bandung: Citra Aditya Bakti.
- M.O. Saut Hamonangan Turnip, G. M. (2024). Judge's Dilemma in Determining Bankruptcy Decisions: Dichotomy Between Supreme Court Circular Letter Number 3 of 2023 and Law 37 of 2004 Concerning Bankruptcy-PKPU. *Melayunesia Law*, 98.
- Manan, B. (2008). *General Principles of Good Governance*. Bandung: Collection of Papers, Citra Aditya Bakti.
- Mertokusumo, S. (2010). *Understanding the Law: An Introduction*. Yogyakarta: Liberty.
- Mertokusumo, S. (2010). *Understanding the Law: An Introduction*. Yogyakarta: Liberty.
- Muhammad, A. (2021). *Law and Legal Research*. Bandung: Fourth Edition, Citra Aditya Bakti.
- Muharrir, J. M. (2023). The Legal Force of Supreme Court Circular Letter Number 2 of 2023 concerning Guidelines for Judges in Adjudicating Cases of Applications for Registration



- of Marriages Between People of Different Religions and Beliefs. *Ius Civile: Reflections on Law Enforcement and Justice*, Volume 7, No. 2, 70.
- Muharrir, J. M. (2023). The Legal Force of Supreme Court Circular Letter Number 2 of 2023 concerning Guidelines for Judges in Adjudicating Cases of Applications for Registration of Marriages Between People of Different Religions and Beliefs. *Ius Civile: Reflections on Law Enforcement and Justice*, Volume 7, No. 2, 70. 2, 70.
- Noer Yasin, M. d. (2023). The Interlegality of Interfaith Marriages in Vis-à-Vis of Supreme Court Circular Letter Number 2 of 2023 concerning the Rejection of Applications for Registration of Interfaith Marriages in Indonesia. *Journal of De Jure Legal Research*, Volume 2, 389-402.
- Noer Yasin, M. d. (2023). The Interlegality of Interfaith Marriages in Vis-à-Vis of Supreme Court Circular Letter Number 2 of 2023 concerning the Rejection of Applications for Registration of Interfaith Marriages in Indonesia. *Journal of De Jure Legal Research*, Volume 2, 45.
- Putra, H. C. (2023). The Position of the Supreme Court Regulations in the Hierarchical System of Legislation in Indonesia. *ELQONUN: Journal of Constitutional Law*, Volume 1, No. 2, 130–143.
- Putra, H. C. (2023). The Position of the Supreme Court Circular Letters in the Hierarchical System of Legislation in Indonesia. *ELQONUN: Journal of Constitutional Law*, Volume 1, No. 2, 130–143.
- Raihan Andhika Santoso, E. J. (2023). The Position and Legal Force of Supreme Court Circular Letters (SEMA) in Indonesian Positive Law. *Deposition: Journal of Legal Science Publications*, Volume 1, No. 4, 7–15.
- Raihan Andhika Santoso, E. J. (2023). The Position and Legal Force of Supreme Court Circular Letters (SEMA) in Indonesian Positive Law. *Deposition: Journal of Legal Science Publications*, Volume 1, No. 4, 7–15.
- Scholten, P. (2000). *Ways of Thinking and Acting Legally*, translated by R. Soeroso. Bandung: Alumni.
- Scholten, P. (2000). *How to Think and Act Legally*, translated by R. Soeroso. Bandung: Alumni.
- Sthela Maris Belinda Setyo Widiastuti, D. S. (2025). Analysis of Supreme Court Circular Letter Number 2 of 2023 from the Perspective of Positive Law in Indonesia. *Semarang Law Review*, Volume 6, No. 2, 395–410.