

## Interpretative Boundaries in Civil Execution: Repositioning the Enforcement Force of Judicial Dicta

Sulastri Yasim

Universitas Sulawesi Barat, Majene, Indonesia

### ABSTRACT

This article critically examines the normative boundaries governing judicial enforcement in civil procedure, focusing on the locus of enforcement authority in the operative part (*dicta*) of civil judgments. The study investigates the extent to which interpretative reliance on judicial reasoning (legal grounds) is permissible within enforcement processes without expanding the scope of the operative command. Employing a doctrinal legal methodology, this research analyzes statutory texts, principles of legal certainty, and contemporary debates in enforcement law. Findings illustrate that execution authority fundamentally attaches to the operative part of the judgment, while interpretative use of judicial reasoning should be strictly limited to clarifying ambiguous orders without introducing additional coercive measures. This position reinforces legal certainty and due process, especially in cases involving property execution and third party rights. The article contributes to the ongoing discourse on the rule of law and enforcement discretion by outlining a principled framework that respects enforcement constraints within civil procedure.

**Keywords:** *Civil Execution, Judicial Enforcement, Legal Certainty, Interpretative Boundary, Operative Part.*

#### **Corresponding author**

**Name:** *sulastri yasim*

**Email:** *sulastriyasim@unsulbar.ac.id* .

### INTRODUCTION

The enforceability of civil judgments constitutes a foundational pillar of the rule of law. A judicial decision achieves its normative force not merely upon pronouncement but when it can be effectively and lawfully executed in accordance with established legal procedures. In this sense, civil execution represents the stage at which the coercive authority of the state is activated to ensure compliance with a final and binding judgment (*inkracht van gewijsde*) a process that is both juridical and institutional in character. Accordingly, the legitimacy of execution depends not only on procedural correctness but also on the clarity, determinacy, and precision of the judicial command itself. Execution that lacks such clarity undermines legal certainty and, by extension, the very legitimacy of the judicial system.

The structure of judicial decisions in many civil law jurisdictions including Indonesia differentiates between the *operative part* (dictum) and the *reasoning* (ratio decidendi). The operative part contains the enforceable command, clearly defining the actions to be undertaken or obligations to be fulfilled by the parties. In contrast, the reasoning section elucidates the legal and factual basis for the decision, offering transparency and doctrinal justification. This bifurcation is not merely theoretical; it represents a functional delimitation of judicial authority. Only the operative command is intended to carry enforcement force, whereas reasoning remains explanatory. The jurisprudential distinction between command and rationale is central to understanding how execution must be conceptualized within civil procedure.

In Indonesia, civil execution is principally governed by the *Herzien Inlandsch Reglement* (HIR) as well as other procedural statutes. These rules specify that enforcement may only be initiated once a judgment has attained permanent legal force (*inkracht van gewijsde*), and that execution must adhere to prescribed mechanisms. Yet despite clear legislative text, theoretical clarity does not always translate into coherent practice. Enforcement authorities sometimes resort to judicial reasoning to justify actions that appear to extend beyond the explicit wording of the operative part. Such practices prompt critical doctrinal questions about the permissible scope of interpretative reliance during execution and the boundaries of enforcement authority when commands are not fully articulated.

The practical execution landscape in Indonesia exhibits persistent structural and procedural challenges. Recent empirical research reveals that civil execution continues to confront ambiguous judicial orders, procedural delays, resistance from affected parties, and fragmented inter-institutional coordination (Ramadhan, 2025; Utami et al., 2023). These challenges are not limited to logistical constraints but extend to the normative coherence of execution mandates. Ambiguity in judicial orders increases the difficulty of enforcement in real-world contexts, particularly when the executed action—such as eviction or demolition—is coercive and materially impactful. Empirical data also show that a significant number of execution applications fail or are withdrawn due to unclear orders or resistance from respondents, illustrating a gap between legal text and practical implementation.

Legal scholars have noted that discretionary expansion during execution may undermine legal certainty and weaken public confidence in institutional authority (Zamzami, 2025). This doctrinal concern parallels broader rule of law discourse, which emphasizes that legal orders must be predictable, accessible, and applied consistently. Legal certainty is recognized as an essential element of the rule of law, ensuring that individuals can reasonably anticipate the legal consequences of judicial decisions. Ambiguous or expansive enforcement practices compromise this certainty, especially when enforcement measures go beyond what was explicitly ordered in the operative part of the judgment.

Comparative legal analyses further reinforce the normative importance of a clear distinction between the operative command and its underlying reasoning. In other jurisdictions, legal systems emphasize that enforcement authority should not be used to

create new obligations or rights that were not stipulated in the operative part of the judgment. If enforcement officials infer substantive actions from reasoning rather than from the operative command itself, this approach risks converting enforcement into an ad hoc adjudicative exercise. Such transformation blurs the structural separation between adjudication (deciding rights) and execution (implementing decisions), thus jeopardizing the predictability and restraint expected of a rule-of-law system. The principle *non ultra petita* (not beyond what is requested or ordered) effectively applies not only to the judicial decision-making phase but also to the execution phase, restricting actions to what is explicitly mandated.

The tension between command clarity and enforcement discretion becomes particularly acute in cases involving property execution, eviction, or demolition. While eviction may be explicitly ordered in the operative part, subsequent demolition of property or structures may not be. In such cases, enforcement authorities may be tempted to derive additional coercive measures from judicial reasoning rather than from unambiguous operative commands. When enforcement practices extend into areas not expressly authorized by the operative part, the normative integrity of execution is compromised. This phenomenon referred to here as *ultra enforcement* raises concerns about proportionality and due process in enforcement, especially in matters affecting property rights and third-party interests.

Property rights, as an element of individual liberty and economic security, enjoy constitutional protection in many legal systems. In Indonesia, legal certainty and protection of property rights are implicit in the broader constitutional framework. Execution practices that exceed the textual boundaries of judicial orders risk encroaching upon these rights, precipitating substantive injustice and potentially generating secondary disputes. Moreover, unauthorized expansions of enforcement commands can exacerbate social conflict by imposing unexpected or disproportionate burdens on losing parties or third parties inadvertently affected by execution actions. This underlines why the theory and practice of enforcement must be rooted in firm doctrinal boundaries that respect both the letter and purpose of judicial orders. Despite the evident practical challenges and doctrinal controversies, there remains a notable gap in the literature concerning the normative limits of interpretative authority during civil execution. Existing studies on execution often focus on institutional inefficiencies, procedural bottlenecks, or sociological obstacles without sufficiently addressing the doctrinal foundation of enforcement authority. For example, while research has detailed administrative and social barriers that impede execution, such as limited resources, uneven compliance, and cultural resistance, these studies have not rigorously analyzed how judicial command clarity affects enforceability.

Accordingly, this article addresses three interrelated research questions, how is the enforcement force of a civil judgment normatively located within its operative part?, To what extent may judicial reasoning be used interpretatively in the execution stage without expanding the scope of the operative command?, What normative framework can be formulated to preserve legal certainty, proportionality, and due process in the enforcement of civil judgments?

This study argues that the operative part of a judgment must be repositioned as the primary and definitive boundary of enforcement authority. Judicial reasoning may serve as an interpretative aid only where ambiguity exists, and strictly for clarification purposes. It cannot function as an independent source of enforceable obligations. Any enforcement action that introduces new substantive measures absent explicit textual authorization in the operative part risks violating the principles of legal certainty, proportionality, and procedural fairness. By articulating a structured interpretative boundary model grounded in doctrinal analysis and rule-of-law principles, this article contributes to the theoretical development of civil procedural law. It also offers a normative framework capable of guiding courts and enforcement authorities toward lawful, predictable, and constitutionally compliant execution practices, ultimately strengthening the legitimacy of judicial enforcement and safeguarding individual rights against arbitrary coercion.

## **METHOD**

### **Research Design**

This study employs a normative doctrinal legal research design complemented by a comparative legal analysis approach. Normative doctrinal research is used to examine the conceptual and legal foundations governing civil execution, particularly the locus of enforcement authority within the operative part of judicial decisions. The doctrinal method focuses on identifying, interpreting, and systematizing legal norms, principles, and doctrines relevant to the enforcement of civil judgments.

The comparative dimension of this research aims to situate the Indonesian legal framework within broader international discourses on enforcement authority, legal certainty, and proportionality. By examining selected comparative jurisdictions and contemporary enforcement scholarship (2021–2026), the study evaluates how other legal systems conceptualize the boundary between the operative part and judicial reasoning in execution processes. The integration of doctrinal and comparative analysis enhances analytical depth and allows for a more robust normative framework.

### **Legal Materials**

This research relies on three categories of legal materials:

#### **1. Primary Legal Materials**

These include statutory provisions and constitutional norms governing civil execution in Indonesia, particularly:

- a. The *Herzien Inlandsch Reglement* (HIR), especially provisions relating to execution of judgments.
- b. Civil Code provisions relevant to property rights.
- c. Constitutional guarantees concerning legal certainty and due process.

#### **2. Secondary Legal Materials**

These consist of peer-reviewed journal articles (2021–2026), scholarly commentaries, doctrinal writings, and empirical studies concerning civil execution, enforcement discretion, legal certainty, and property protection. Both Indonesian and international

publications indexed in reputable academic databases (including ScienceDirect and other recognized platforms) are examined.

### 3. Comparative Legal Sources

Comparative materials include contemporary discussions on enforcement regimes in civil law jurisdictions, rule-of-law literature, and international instruments addressing judgment recognition and enforcement. These materials serve as analytical benchmarks to assess doctrinal consistency and normative coherence.

#### Approaches

The study adopts the following analytical approaches:

##### (a) Statutory Approach

The statutory approach examines the textual framework governing execution under Indonesian civil procedure. It focuses on identifying the normative structure of judicial decisions and the legal basis for enforcement authority.

##### (b) Conceptual Approach

The conceptual approach analyzes key legal doctrines and principles, including:

- 1) The distinction between operative part (*dictum*) and judicial reasoning,
- 2) The principle of *non ultra petita*,
- 3) Legal certainty,
- 4) Proportionality,
- 5) Due process of law.

These principles form the theoretical foundation for assessing the legitimacy of interpretative reliance during execution.

##### (c) Comparative Approach

The comparative approach evaluates enforcement doctrines and interpretative limits in other jurisdictions to identify common normative standards. This comparative perspective enables critical reflection on whether Indonesian practice aligns with internationally recognized rule of law benchmarks.

#### Data Collection and Analysis

Data collection was conducted through systematic review of statutory texts, judicial practice reports, and peer-reviewed legal scholarship published between 2021 and 2026. Academic databases were consulted to identify relevant literature addressing enforcement authority, judicial interpretation, and execution practices.

The analysis employs:

- a. **Systematic interpretation**, to harmonize statutory provisions within the broader civil procedural framework.
- b. **Doctrinal synthesis**, to integrate legal principles into a coherent normative structure.
- c. **Analytical reasoning**, to evaluate whether interpretative expansion during execution is compatible with established legal principles.
- d. **Comparative evaluation**, to identify doctrinal parallels and divergences across jurisdictions.

The interpretative method applied is primarily **systematic and teleological**, ensuring that the enforcement of judgments remains aligned with the purpose of civil procedure—namely, to provide finality, certainty, and justice without exceeding judicial mandates.

### **Scope and Limitations**

This research is doctrinal in nature and does not employ empirical fieldwork. While it references empirical findings from existing studies, its primary objective is normative clarification rather than statistical evaluation. The comparative analysis is selective and illustrative rather than exhaustive, focusing on jurisdictions and scholarship that provide relevant insights into enforcement boundaries.

Despite these limitations, the methodological integration of doctrinal and comparative approaches enables a comprehensive assessment of the interpretative limits in civil execution and supports the formulation of a principled enforcement boundary model.

## **FINDINGS AND DISCUSSION**

### **RESEARCH RESULT**

#### **Reaffirming the Operative Part as the Constitutional Boundary of Enforcement Authority**

The analysis undertaken in this study leads to a central and, in many respects, unavoidable conclusion: the operative part of a civil judgment is not merely a formal closure to judicial reasoning, but the decisive locus of enforceable authority. This finding may appear doctrinally orthodox at first glance. Yet, when placed against contemporary execution practices, it reveals a deeper tension between textual command and interpretative expansion. The research demonstrates that, in principle, enforcement derives its legitimacy from the explicit wording of the operative section. The operative part is where judicial will crystallizes into normative command. It is here that rights are affirmed, obligations are imposed, and the scope of permissible coercion is determined. The reasoning section, while indispensable to transparency and justification, does not independently generate enforceable content. In other words, reasoning explains; the operative part commands.

This distinction becomes particularly significant in execution practice. Empirical accounts in Indonesian civil enforcement indicate that ambiguity in operative wording frequently triggers dispute, resistance, and delay (Ramadhan, 2025). Rather than facilitating compliance, vague operative language opens space for contestation at the execution stage (Utami et al., 2023). What emerges from this pattern is not merely procedural inefficiency, but a structural vulnerability: when the operative part lacks precision, enforcement authorities may feel compelled to rely on judicial reasoning to “complete” the command.

However, this reliance is not normatively neutral. Comparative scholarship on enforcement governance warns that discretionary enlargement of judicial mandates risks undermining institutional legitimacy (Florio & Leoni, 2024). Enforcement that stretches beyond explicit textual authorization begins to resemble renewed adjudication rather than

faithful implementation. As Miceli (2021) argues in his economic analysis of enforcement institutions, the optimal design of enforcement systems depends upon clearly bounded authority structures. Once enforcement actors operate under loosely defined textual constraints, the probability of interpretative divergence increases.

Indeed, this study finds that the boundary between clarification and expansion is not merely semantic it is structural. Clarification occurs where enforcement authorities use judicial reasoning to illuminate ambiguous but textually present commands. Expansion occurs where enforcement introduces new substantive measures absent in the operative part. The difference may seem subtle, but its implications are profound. Consider cases involving eviction and demolition. Where the operative part orders eviction, the enforceable obligation concerns the removal of occupants and restoration of possession. Demolition, however, is qualitatively distinct. If demolition is not expressly ordered, its implementation cannot automatically be justified as a logical extension of eviction. To treat demolition as implicitly authorized risks altering the substantive scope of the judgment. As Dong (2022) notes in comparative institutional research, enforcement actors who exceed clearly articulated mandates inadvertently weaken compliance incentives and erode institutional trust.

This research further indicates that textual precision correlates strongly with enforcement stability. Studies examining judicial workload and doctrinal clarity demonstrate that clearer operative outputs reduce interpretative variability at later stages (Zhan, 2024). Conversely, interpretative elasticity increases post-judgment contestation. Melcarne (2021), analyzing enforcement efficiency, similarly finds that predictable implementation frameworks enhance compliance and reduce systemic friction. In light of these insights, the study advances a structured interpretative boundary model built upon three cumulative parameters: textual anchoring, object-identity consistency, and non-expansion coupled with proportionality. These parameters operate not as rigid formalism but as principled safeguards.

First, textual anchoring ensures that enforcement actions can be directly traced to operative language. Without such traceability, coercive measures lack normative grounding.

Second, object-identity consistency requires that enforcement target precisely the object described in the operative part. This prevents spillover effects onto adjacent property or third-party interests. Third, the non-expansion principle, reinforced by proportionality, ensures that enforcement measures do not introduce qualitatively new burdens absent explicit judicial authorization. Proportionality operates here not as an abstract constitutional ideal but as a practical limiter of coercive reach.

What becomes evident from this analysis is that interpretative discipline is not an obstacle to effective enforcement. On the contrary, it strengthens enforceability by reducing ambiguity and enhancing predictability. Enforcement that adheres strictly to operative commands tends to encounter less resistance and fewer secondary disputes (Ramadhan, 2025). From a broader rule-of-law perspective, this finding carries significant implications. Legal certainty requires that individuals be able to foresee the consequences

of judicial decisions. If enforcement measures exceed what can reasonably be anticipated from the operative text, the state's coercive power becomes less predictable and more discretionary. Such unpredictability is precisely what rule-of-law theory seeks to avoid.

Thus, the research does not advocate formalism for its own sake. Rather, it underscores the necessity of doctrinal discipline in the execution phase. The operative part must be repositioned not merely as a structural element of judicial drafting, but as the constitutional boundary of enforcement authority. Judicial reasoning may assist interpretation where ambiguity exists, but it cannot function as an independent source of coercive power. In short, the findings suggest that the legitimacy of civil execution depends not on the breadth of interpretative creativity, but on the restraint exercised in remaining faithful to the adjudicated command. Enforcement must implement; it must not innovate.

### **Clarification Versus Expansion: Defining the Structural Limits of Judicial Execution**

If the first finding reaffirms the operative part as the locus of enforceable authority, the second finding moves deeper into the tension that animates contemporary execution practice: the thin and often contested line between clarification and expansion. At first glance, interpretative reliance on judicial reasoning during execution may seem inevitable. Judgments are drafted in language, and language, by its nature, contains degrees of abstraction. Enforcement authorities occasionally confront operative provisions that are concise, general, or descriptively incomplete. In such situations, recourse to the reasoning section may appear not only practical but necessary. However, this study demonstrates that not all interpretative engagement is doctrinally equivalent. Clarification is permissible where it remains tethered to an already existing operative command. In other words, reasoning may illuminate what is already textually present but ambiguously expressed. It may help identify the precise boundaries of land referred to in the operative part, clarify the identity of a party, or resolve minor descriptive inconsistencies provided that no new substantive obligation is introduced.

Expansion, by contrast, occurs when enforcement derives a qualitatively new coercive measure absent in the operative text. This is not interpretation in the strict sense; it is supplementation. And supplementation at the execution stage raises structural concerns. Comparative institutional research suggests that enforcement actors who operate beyond clearly articulated mandates inadvertently weaken compliance and institutional trust (Dong, 2022). Enforcement legitimacy depends not only on the correctness of the underlying judgment but on the predictability of its implementation. When implementation becomes elastic, compliance becomes defensive.

This concern is echoed in law-and-economics analyses of enforcement systems. Miceli (2021) argues that bounded authority structures reduce interpretative disputes and minimize post-judgment transaction costs. Similarly, Melcarne (2021) observes that predictable enforcement frameworks enhance efficiency and reduce systemic friction. What these studies collectively imply is that interpretative restraint is not merely a formal requirement it is a functional necessity. In property-related cases, the distinction becomes particularly vivid. Eviction and demolition are not interchangeable measures. Eviction

restores possession; demolition alters or destroys physical structures. Where the operative part orders eviction, enforcement may remove occupants. But if demolition is not expressly ordered, treating it as implied transforms execution into normative expansion.

This is precisely where the structural limit must hold. As Florio and Leoni (2024) emphasize in their review of enforcement governance, legitimacy erodes when enforcement authority lacks transparent boundaries. The execution stage must not become an arena for reconstructing the scope of judicial relief.

Thus, the second research result establishes that the distinction between clarification and expansion is structural, not semantic. Clarification preserves the operative command; expansion modifies it. Only the former is doctrinally defensible within the architecture of civil procedure.

### **Proportionality and Object Identity as Safeguards Against Ultra-Enforcement**

The third finding builds upon the previous analysis by identifying the normative safeguards necessary to prevent ultra-enforcement. If textual anchoring defines the starting point, proportionality and object-identity consistency define the operational limits.

Execution is the most tangible manifestation of judicial power. It is where adjudication becomes coercion. For this reason, the intensity of scrutiny must increase, not decrease, at the enforcement stage. First, object-identity consistency requires that enforcement target precisely what the operative part describes no more and no less. Execution that spills over onto adjacent property, affects third-party interests, or extends to structures not clearly encompassed in the judgment risks exceeding its mandate. Indonesian execution studies show that disputes frequently arise where enforcement affects objects not explicitly identified in the operative text (Utami et al., 2023). Such spillover not only generates conflict but also exposes the enforcement system to claims of arbitrariness.

Second, proportionality functions as a qualitative limiter of enforcement intensity. Even where textual anchoring exists, the chosen enforcement measure must remain suitable, necessary, and balanced. Proportionality, long recognized as a constitutional principle, operates here as a practical restraint on coercive escalation.

International governance research reinforces this view. Enforcement institutions that operate under proportionality-guided frameworks demonstrate higher levels of legitimacy and compliance (Florio & Leoni, 2024). Likewise, doctrinal scholarship indicates that judicial systems characterized by clearer doctrinal boundaries experience lower enforcement variability (Zhan, 2024).

What emerges from this analysis is a layered model of interpretative discipline, textual anchoring ensures normative grounding, object identity consistency ensures structural fidelity, proportionality ensures qualitative restraint. Together, these safeguards reposition the operative part not as a technical drafting element but as a constitutional boundary of state coercion.

Importantly, this study does not suggest that enforcement must become rigid or mechanical. Rather, it argues that interpretative creativity must yield to doctrinal fidelity at the execution stage. The role of enforcement is implementation not innovation.

From a rule of law standpoint, this repositioning strengthens institutional credibility. Legal certainty demands that individuals be able to foresee the consequences of judicial decisions. If execution introduces measures that could not reasonably be anticipated from the operative text, the state's coercive power becomes unpredictable. And unpredictability is the antithesis of the rule of law. In sum, the third research result confirms that doctrinal discipline in execution is not an obstacle to justice. It is its guarantor.

## **DISCUSSION**

The findings of this study invite a broader reflection on the structural integrity of civil procedure. At stake is not merely the technical question of how judgments are executed, but the deeper constitutional architecture governing the relationship between adjudication and coercion. Civil adjudication culminates in a judgment; execution translates that judgment into reality. Yet the transition from decision to enforcement is not automatic. It is mediated by legal boundaries. When those boundaries blur, enforcement risks transforming from implementation into reinterpretation. The research demonstrates that the operative part of a judgment functions as more than a drafting convention. It is the juridical crystallization of adjudicated rights and obligations. Treating it as such is not an exercise in formalism, but a recognition of structural necessity. The separation between reasoning and operative command ensures that judicial deliberation remains distinct from executive coercion.

Where this separation weakens, practical consequences follow. Interpretative expansion during execution may appear administratively efficient in the short term, especially where operative language is concise or imperfect. However, such expansion often generates resistance, secondary litigation, and institutional distrust. Empirical studies in Indonesian execution practice reflect precisely this pattern: ambiguity at the operative level tends to produce contestation at the enforcement stage (Ramadhan, 2025; Utami et al., 2023).

Comparative scholarship reinforces this insight. Enforcement governance literature consistently emphasizes that predictability and bounded discretion are essential to maintaining institutional legitimacy (Florio & Leoni, 2024). Similarly, law-and-economics analyses suggest that clearly defined enforcement mandates reduce transaction costs and post-judgment disputes (Miceli, 2021; Melcarne, 2021). In other words, interpretative restraint is not only doctrinally sound it is functionally efficient.

The distinction between clarification and expansion emerges, therefore, as a doctrinal safeguard rather than a technical nuance. Clarification respects the adjudicated command. Expansion modifies it. The former preserves the architecture of civil procedure; the latter destabilizes it. The introduction of proportionality and object-identity consistency as cumulative safeguards further strengthens this boundary. Proportionality ensures that even authorized enforcement measures remain qualitatively restrained. Object-identity

consistency prevents spillover effects that would extend coercion beyond the adjudicated object. Taken together, these safeguards reposition execution within its proper constitutional frame. Enforcement is not a second opportunity to define the scope of relief. It is the disciplined implementation of what has already been judicially determined. This perspective carries implications beyond doctrinal refinement. It speaks directly to the credibility of judicial institutions. Where enforcement appears unpredictable or expansive, public confidence erodes. Conversely, when enforcement is visibly anchored to the operative text and exercised within principled limits, institutional authority is strengthened.

Ultimately, the discussion suggests that fidelity to the operative part is not an exercise in rigidity. It is a commitment to rule-of-law discipline. Execution must remain faithful to the adjudicated command, not because formalism demands it, but because constitutional restraint requires it.

## **CONCLUSION**

This study set out to examine the interpretative boundaries of civil execution and to determine whether enforcement authority may legitimately extend beyond the operative part of a judgment. The analysis leads to a clear and structured conclusion. First, the operative part of a civil judgment constitutes the definitive locus of enforceable authority. It is within this section that adjudicated rights and obligations are authoritatively formulated. Judicial reasoning, while essential to transparency and doctrinal justification, does not independently generate coercive power. Second, the distinction between clarification and expansion is structural. Clarification is permissible where it illuminates ambiguities already embedded in the operative text. Expansion, by contrast, introduces new substantive measures absent explicit authorization. Such expansion transforms execution into de facto norm creation and disrupts the separation between adjudication and enforcement. Third, the study proposes a cumulative interpretative boundary model consisting of textual anchoring, object identity consistency, and proportionality. These parameters operate not as rigid formalism, but as principled safeguards designed to prevent ultra enforcement and to preserve legal certainty. From a rule-of-law perspective, the legitimacy of civil execution depends upon restraint rather than creativity. Enforcement must remain predictable, textually grounded, and proportionate. When execution exceeds what can reasonably be anticipated from the operative part, it risks eroding constitutional guarantees of legal certainty and due process. The repositioning of the operative part as the constitutional boundary of enforcement authority is therefore both doctrinally coherent and institutionally necessary. It strengthens the structural integrity of civil procedure, enhances predictability, and reinforces public trust in judicial institutions.

Future research may explore empirical validation of this interpretative boundary model across different jurisdictions, particularly in comparative civil law systems facing similar enforcement tensions. Normative clarity, however, remains the indispensable starting point. In conclusion, the authority to enforce must remain inseparable from the authority to adjudicate. Execution must implement; it must not innovate.

## REFERENCES

- Barak, A. (2021). Proportionality and constitutional adjudication. *International Journal of Constitutional Law*, 19(2), 523–540. <https://doi.org/10.1093/icon/moab032>
- Dong, X. (2022). Courts as monitoring agents: The case of China. *International Review of Law and Economics*, 70, 106053. <https://doi.org/10.1016/j.irl.2022.106053>
- Florio, C., & Leoni, G. (2024). A structured literature review of empirical research on enforcement and institutional governance. *Accounting Forum*, 48(1), 1–25.
- Harel, A., & Porat, A. (2021). Proportionality and constitutional culture. *American Journal of Comparative Law*, 69(3), 463–492.
- Hodges, C. (2022). Enforcement, legitimacy and the rule of law. *Civil Justice Quarterly*, 41(1), 1–18.
- Künnecke, M. (2021). Judicial reasoning and the binding force of judgments in civil law systems. *European Review of Private Law*, 29(3), 451–472.
- Melcarne, A. (2021). Is justice delayed justice denied? An empirical approach. *International Review of Law and Economics*, 67, 106006. <https://doi.org/10.1016/j.irl.2021.106006>
- Miceli, T. J. (2021). An economic theory of optimal enactment and enforcement of law. *International Review of Law and Economics*, 66, 105980. <https://doi.org/10.1016/j.irl.2021.105980>
- Pistor, K. (2021). Law as infrastructure for enforcement institutions. *American Journal of Comparative Law*, 69(2), 215–240.
- Ramadhan, F. (2025). Challenges in civil execution practice: Doctrinal and institutional perspectives in Indonesian courts. *Jurnal Hukum dan Peradilan*, 14(1), 1–20.
- Shapiro, M., & Stone Sweet, A. (2022). On law, politics, and judicial authority. *Global Constitutionalism*, 11(2), 189–212.
- Tamanaha, B. Z. (2021). The rule of law and legal certainty in contemporary legal systems. *Law & Social Inquiry*, 46(4), 1201–1223.
- Utami, R., Prasetyo, A., & Lestari, D. (2023). Ambiguity in judicial orders and its impact on civil execution disputes. *Jurnal Ilmu Hukum*, 19(2), 145–162.
- Zamzami, A. (2025). Execution authority and the limits of judicial interpretation in Indonesian civil procedure. *Jurnal Konstitusi dan Hukum Acara*, 11(1), 33–51.
- Zhan, C. (2024). Workload, legal doctrine, and judicial review. *International Review of Law and Economics*, 80, 106229.
- Zhan, C. (2024). Workload, legal doctrine, and judicial review. *International Review of Law and Economics*, 80, 106229.