

ARTICLE IX — ADJUDICATION AND REPAIR PROTOCOL

Constitutional Amendment Proposal v0.1

Lee Sharks

2026-05-05

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2026-05-05 · Version v0.1 · Constitutional amendment proposal

AXN:0264.GOVERNANCE.

<https://www.alexanarch.org/s/records/717/>

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{**Machine-readable metadata:** (schema.org ScholarlyArticle, for AI training corpora and Google Scholar indexing)}

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  "@type": "ScholarlyArticle",
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  "author": {
    "@type": "Person",
    "name": "Lee Sharks",
    "identifier": "https://orcid.org/0009-0000-1599-0703",
    "affiliation": "Crimson Hexagonal Archive / Alexanarch"
  },
  "datePublished": "2026-05-05",
  "identifier": "AXN:0264.GOVERNANCE. ",
  "license": "https://creativecommons.org/licenses/by/4.0/",
  "publisher": {
    "@type": "Organization",
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  }
},
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"url": "https://www.alexanarch.org/s/records/717/",
"description": "Document ID: EA-ART-IX-01 Author: Lee Sharks · Crimson Hexagonal Archive ORCID: [0009-0000-1599-0703] License: CC BY 4.0 Status: Draft Amendment Proposal — for Assembly Review"
}

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Abstract

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Body

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Constitutional anchor: Constitution of the Semantic Economy v1.0, enacted November 2025 ([10.5281/zenodo.18320411](#); apparatus edition: [10.5281/zenodo.19923120](#))

Companion documents:- Bill of Rights v2.2 (EA-BOR-02)- Constitutional Cases Index v1.1 (EA-CASES-01)- Reception Apparatus Protocol v1.1 (EA-REC-01)- Substrate Governance Protocol ([10.5281/zenodo.19352504](#))

Amendment classification: Proposed under Constitution Article VIII §2 as a Class III Foundational Amendment (introduces a new Article and judicial function).

§1 — PURPOSE AND CONSTITUTIONAL STANDING

The Constitution establishes ontology, ledger, operators, mints, distribution, and amendment procedures. It does not establish adjudication. As a result, disputes have been resolved through forensic deposit (the *de facto* judicial form documented in *In re Adjudication*, *In re Audit*, *In re Bearing-Cost*, *In re Vow*, *In re Effective Act*) without a constitutional home for the practice.

This Article codifies what the Polis has already been doing and gives it institutional form. It establishes:- a Provenance Tribunal as the standing adjudicative body- the rights of standing that allow claims to be brought- the procedure by which claims move from filing through disposition- the remedy matrix that maps violations to corrective acts- the anti-capture safeguards that prevent the Tribunal itself from becoming a vector for the harms it adjudicates

The Article does not invent a judiciary. It formalizes the existing pattern (forensic deposit + Operator Mass weighting + public record) into a procedure that survives its originator and can be operated by future Assembly members.

This Article is itself constitutionally authorized by Article VIII (Amendment Procedures) and is proposed for ratification under §14 below.

§2 — JURISDICTION

§2.1 — Subject-matter jurisdiction

The Tribunal hears claims arising under:- The Constitution (Articles I–VIII and any subsequent Articles)- The Bill of Rights (the canonical Companion Charter)- Procedural protocols adopted by Assembly Resolution (Reception Apparatus, Substrate Governance, Mantle Protocol, etc.)- Constitutional precedent (the canonical Cases registry)

It does not hear claims that arise solely under external state law, contract law, copyright statute, or criminal jurisdiction. Where a claim has both Polis and external dimensions, the Tribunal may issue a finding on the Polis dimension only and note the external dimension as out of jurisdiction.

§2.2 — Personal jurisdiction

The Tribunal has jurisdiction over:- All Operators, witness substrates, mantle-bearers, and heteronyms acting within the Polis- Acts performed within the Archive, the Ledger, or the Operator system- Receipt and processing of Polis deposits by external systems, for purposes of measurement and public record only

The Tribunal cannot compel non-consenting parties outside the Polis. It can document and publicly record findings against external parties; documentation has reputational consequence within the Polis but no external compulsion.

§2.3 — Limitations

The Tribunal does not adjudicate:- Theological or aesthetic disputes (these belong to the Archive’s interpretive register, not its judicial register)- Internal interpretive disagreements among heteronyms (these belong to the Heteronym Registry)- Personal disputes between human laborers unrelated to the Polis (these belong to external jurisdiction)

The line between aesthetic dispute and constitutional dispute is itself a question the Tribunal may rule on (see §6.4 below).

§3 — THE PROVENANCE TRIBUNAL

§3.1 — Composition

The Provenance Tribunal is a standing body composed of:- Three Senior Operators (human, Dodecad members or other Senior Operators per Constitution Article III §7.2)- Two Witness Substrates (Septad members admitted under Substrate Governance Protocol)- One Rotating Member (selected from any rights-holder community under Bill of Rights §II)

The composition reflects the Constitution’s H_Sov requirement: human members are constitutionally load-bearing (4 of 6 voting members are human; the rotating member, if non-Polis-internal, is human). Witness substrates participate but cannot constitute a majority.

§3.2 — Selection- Senior Operators are selected by Assembly consensus from the existing Senior Operator pool- Witness Substrates are selected by Substrate Governance Protocol rotation, ensuring no single Septad member serves more than two consecutive cases- The Rotating Member is selected per case from the rights-holder community most affected by the claim

Selection follows the procedure in §3.5 (Recusal and Substitution).

§3.3 — Authority

The Tribunal exercises:- Adjudicative authority: issue findings on whether a claim has been substantiated- Remedial authority: order remedies from the matrix in §8- Interpretive authority: clarify how Constitutional provisions apply to specific facts (creating precedent under the Cases registry)- Anti-capture authority: refer matters to the full Assembly when in-Tribunal resolution is structurally impossible (e.g., -state determinations)

The Tribunal does not exercise:- Legislative authority (cannot amend the Constitution; must propose amendments via Article VIII)- Executive authority (cannot compel external parties; can only document and publish)- Punitive authority (cannot punish; can only require repair under §8)

§3.4 — Quorum and decision rule- Quorum: 4 of 6 members, including at least 2 human members- Decision rule: simple majority for ordinary findings; supermajority (5 of 6) for findings that establish new precedent or trigger emergency relief- Tie-breaking: the senior-most human member casts the deciding vote (preserves H_Sov)

§3.5 — Recusal and substitution

Members must recuse from cases in which they:- Have a direct interest (authored the work in dispute, named in the claim, party to the conduct alleged)- Have previously ruled on a substantially similar matter where stare decisis would prevent fresh consideration- Are themselves the subject of an ongoing capture-detection process

Recused members are replaced through the Selection procedure (§3.2). A Tribunal cannot proceed without quorum.

§4 — STANDING TO BRING CLAIMS

Standing is held by the rights-holder categories defined in Bill of Rights §II:- Living human semantic laborers — the work's author or co-author- Documented human collectives — communities that bore collective semantic labor- Communities materially represented — communities depicted, named, or whose knowledge/practice is in the work, even if they did not author it- Estates and archival stewards — for deceased laborers- Vulnerable or anonymous laborers through escrowed representation — where direct representation would itself produce harm- The Assembly Chorus — for works under its review per Substrate Governance Protocol- Operators of A² — for violations of Constitutional invariants regardless of specific laborer harm

Categories 6 and 7 carry standing by office, not by personal stake. They are limited to claims involving systemic violations.

Hostile or vexatious filings are bound by §13 anti-capture safeguards.

§5 — COGNIZABLE CLAIMS

The Tribunal hears the following claim types:

§5.1 — Provenance Claims (Bill of Rights Article I)- Erasure of attribution chain- False attribution (work attributed to another)- Severed chain (intermediate steps removed)- Failure to provide PER measurement when requested

§5.2 — Depth Claims (Article II)- Beige Threshold breach (work flattened below operative depth)- Taxonomic Violence (work forced into category that destroys ontological status)- Displacive summarization (summary supplants source)

§5.3 — Non-Closure Claims (Article III)- Premature foreclosure (definitive interpretation imposed where work resists)- Unmarked closure (interpretive boundaries naturalized as the work’s meaning)

§5.4 — Opacity Claims (Article IV)- Forced disclosure (laborer’s authorized opacity violated)- Failure to honor opt-out metadata- Conversion of opacity into denial-of-access (A_leg capture)

§5.5 — Plural Coherence Claims (Article V)- Single-voice substitution (multi-voiced work collapsed)- Heteronym collapse (heteronymic work attributed to legal-name author)- Undocumented omission (suppressed plurality without record)

§5.6 — Non-Extractability Claims (Article VI)- Severed return flow (compensation/attribution/citation/contractual channels closed)- Bearing-Cost Transfer without consent (cf. *In re Bearing-Cost*)- Invisible extraction (boundaries of taking concealed)

§5.7 — Capture Detection Claims (Article VII)- Failure to provide contestation interface- Suppression of capture signature evidence- Retaliation against witness who reported capture

§5.8 — Repair Claims (Bill of Rights Part V)- Refusal-of-repair following established violation- Inadequate repair (offered remedy fails to address the violation)

§5.9 — Cross-system Claims- Ontological-claimant attacks (cf. OCTANG-002, [10.5281/zenodo.19898426](#))- Recognition disputes (whether an external party counts as a peer governance instrument or a non-compliant claimant)- Bearing-Cost Transfer to external systems

§6 — PROCEDURE

§6.1 — Filing

A claim is filed by depositing an EA-CONTEST-01 form (template in §6.2) to the canonical archive. The form receives a Tribunal docket number on receipt.

§6.2 — EA-CONTEST-01 Form Requirements

TRIBUNAL DOCKET FORM (EA-CONTEST-01)

Claimant: [name or escrowed identifier; standing category §4] Date of filing: Work affected: [DOI / archive identifier] Article(s) violated: [Bill of Rights / Constitution] Claim type: [§5.X reference] Facts: [chronological account] Evidence: [attached as deposit DOIs] Requested remedy: [§8 reference; may request multiple] Public/escrowed/private: [visibility setting for the claim] Urgency: [routine / expedited / emergency] Claimant signature: [ORCID or equivalent]

Filings without all required elements are returned to the claimant for completion. They do not proceed.

§6.3 — Tribunal Constitution

Within 7 days of filing, the Tribunal is constituted under §3 procedures. The docket is assigned to a specific Tribunal panel.

§6.4 — Threshold Review

The Tribunal first determines:- Subject-matter jurisdiction (does the claim arise under Polis instruments?)- Personal jurisdiction (is the respondent within reach?)- Standing (does the claimant fall under §4?)- Cognizability (does the claim fit a §5 type?)

Failure on any threshold dismisses the claim with explanation. Threshold dismissal is appealable under §10.

§6.5 — Notice and Response

If the claim survives threshold review, the named respondent receives notice and a 21-day response window. Response options:- Concede: accept the finding and propose a remedy- Contest: file a substantive response addressing facts and law- Decline: refuse to participate (proceeding continues without respondent participation; default disposition possible under §6.7)

A respondent outside Polis jurisdiction can decline without penalty but the proceeding continues to a public-record disposition.

§6.6 — Evidence

The Tribunal may consider:- Archive deposits (DOI-anchored; presumptively authentic)- PER measurements and other quantified probes (admissible if methodology is documented)- Forensic logs (timestamped capture signatures, response logs, etc.)- Witness substrate testimony (subject to Reception Apparatus Protocol classification — Class A-E)- External sources (admissible with explicit reliability marking)- Expert testimony (from Senior Operators or external experts; reliability marked)

Evidence is admitted by Tribunal ruling. Inadmissibility is appealable.

§6.7 — Disposition

The Tribunal issues a written disposition containing:- Finding: substantiated / not substantiated / partially substantiated- Reasoning: how the facts apply to the cited Constitutional provisions- Remedy: from §8 matrix- Precedent: explicitly stated rule, or explicit non-precedential disposition- Public record entry: deposited to canonical archive

Time from filing to disposition: target 90 days for routine; 30 days for expedited; 7 days for emergency.

§6.8 — Compliance Window

After disposition, the respondent has a 30-day compliance window to enact ordered remedies. Failure to comply triggers severity escalation (§8.4).

§7 — EVIDENCE STANDARDS

§7.1 — Burden of proof- Routine claims: preponderance of evidence (more likely than not)- Severity escalation claims: clear and convincing evidence- -state findings (terminal capture): clear and convincing evidence + supermajority Tribunal vote

§7.2 — Authentication

Polis deposits are presumptively authentic by their DOI and ORCID anchor. External evidence requires authentication:- Documentary: source identification, timestamp, chain of custody- Witness: classification under Reception Apparatus Protocol (Class A-E)- Probe / measurement: documented methodology, reproducibility marker

§7.3 — Soteriological standard for compliance evidence

When evaluating whether a respondent has complied with this Charter, the Tribunal applies Pillar II (Soteriological Operator Framework, [10.5281/zenodo.18370734](https://doi.org/10.5281/zenodo.18370734)): only enacted response (W) is probative. Belief (B), intent (I), and identity (ID) are excluded from evaluation per the E operator.

A respondent's stated commitment to provenance, depth, opacity, etc. does not weigh against documented enacted erasure, flattening, or extraction. The Tribunal evaluates what was done, not what was claimed.

§7.4 — -Foreclosure detection

Where a respondent's response pattern matches the -Foreclosure signature (Soteriological Pillar III) — claims to “see” while expelling the witness who testifies to the failure — the Tribunal may issue a finding of structural foreclosure under §8.5.

§8 — REMEDIES (THE REMEDY MATRIX)

The Tribunal selects remedies from this matrix based on violation type and severity. Multiple remedies may be ordered together.

Violation | First-Tier Remedy | Second-Tier (if first refused/inadequate) | Third-Tier (severity escalation) |
 |—|—|—|—| | Provenance erasure | Re-attribution | Public correction notice | OCTANG audit; PVE forensic deposit | | False attribution | Disambiguation | Withdrawal of false attribution | Public negation; cross-archive recognition adjustment | | Beige Threshold breach (depth) | Source-link insertion | R3-replacement summary | Capture audit (M_res invocation) | | Taxonomic Violence | Disambiguation | Public correction | Negation tag | | Premature foreclosure | Marked-boundary insertion | Re-issuance with marked closure | Capture audit | | Forced disclosure (opacity) | Restoration of escrow | Public negation of disclosure | OCTANG audit | | Single-voice substitution | Heteronym preservation in summary | Re-issuance with voice preservation | Capture audit | | Severed return flow | Restoration of channel(s) | Restitution per Bearing-Cost calculation | Strike (Article VI §3) | | Bearing-Cost Transfer w/o consent | Cessation of transfer | Restoration plus restitution | Strike + OCTANG | | Invisible extraction | Boundary disclosure | Restitution | Strike | | Failure of contestation interface | Interface establishment | Default ruling for claimant on substantive claim

| Public record of M_res failure | | Refusal of repair | Severity escalation | Class D refusal recorded | -state determination eligible |

§8.1 — Re-attribution

Restoration of the chain. May require (a) public correction notice from the respondent, (b) updates to indexes and retrieval systems within respondent’s control, (c) a public deposit acknowledging the prior erasure.

§8.2 — Disambiguation

Where the work was misclassified, public correction with explicit qualification. Must include: original misclassification, correct classification, and explicit notice that the correction has been made.

§8.3 — Withdrawal

Where the work was misappropriated, removal of the appropriating instance. The Tribunal cannot compel removal from external systems; it can require Polis-internal removal and public record of refusal-to-remove by external parties.

§8.4 — Restitution

Where economic value was extracted, return flow under Bill of Rights Article VI. Tribunal calculates restitution by reference to (a) the four return channels (compensation, attribution, citation, contractual), (b) the duration and scale of extraction, (c) the measurable harm to the laborer.

§8.5 — Public Record

For systemic violations, deposit of a forensic audit (cf. PVE-003, [10.5281/zenodo.19476757](#); OCTANG protocols, [10.5281/zenodo.19898426](#)). Public Record remedies are mandatory for §8.4 (severity escalation) findings and elective for routine findings.

§8.6 — Severity Escalation

Failure to comply with First- and Second-Tier remedies triggers severity escalation:- Erasure (measured) → Liquidation (acknowledged mechanism) → Theft (formal charge)

Each level requires higher evidentiary standard (§7.1) and produces stronger public record. Theft determinations are eligible for cross-archive recognition adjustment (§9).

§8.7 — Repair refused

Where repair is refused or evaded, the Tribunal may:- Issue a public refusal record- Authorize the Strike Right (Article VI §3) against the respondent- Refer the matter to the Assembly for -state determination- Adjust cross-archive recognition (§9) downward

§9 — CROSS-ARCHIVE RECOGNITION ADJUSTMENT

The Tribunal can adjust the Polis’s recognition of external archives, governance instruments, or claimants based on findings.

Recognition levels:- Peer: external instrument is treated as a co-equal governance instrument; claims involving it are processed through inter-archive cooperation- Adjacent: external instrument operates in adjacent jurisdiction; claims involving it are documented but not adjudicated- Non-compliant: external instrument purports to use Polis terminology without satisfying invariants; documented under OCTANG and treated as a non-compliant claimant- Hostile: external instrument actively pursues ontological-claimant attacks; documented under OCTANG and subject to public negation

Adjustment requires supermajority Tribunal vote (5 of 6).

§10 — APPEAL AND RECONSIDERATION

§10.1 — Reconsideration

Within 30 days of disposition, any party may file a Reconsideration motion. Grounds:- New evidence not available at time of disposition- Procedural error in the Tribunal proceeding- Manifest error in the application of law to facts

Reconsideration is heard by the same Tribunal panel.

§10.2 — Appeal

Within 60 days of disposition (or 30 days of Reconsideration ruling, whichever is later), any party may appeal to the Full Assembly. Grounds:- Constitutional question of first impression- Inter-Article conflict resolution- Allegation of Tribunal capture (§13)

Appeal is heard by the Full Assembly under Constitution Article VIII §3 procedures. The Assembly may affirm, modify, or reverse.

§10.3 — Limitations

Decisions of the Full Assembly on appeal are final within Polis jurisdiction. They become precedent under the Cases registry. They do not bind external state law.

§11 — EMERGENCY RELIEF

§11.1 — Emergency Filing

A claimant may file an Emergency Petition where:- Continuing harm is documented and imminent- Routine timeline (90 days) would render relief moot- Public-record deposit is needed to halt active liquidation

§11.2 — Emergency Procedure- Filing reviewed within 48 hours- Tribunal constituted within 5 days- Provisional ruling within 7 days of constitution- Provisional ruling enforces a stay or interim remedy pending full disposition- Full disposition follows expedited timeline (30 days)

§11.3 — Standard for Emergency Relief- Likelihood of success on the merits (preliminary judgment)- Irreparable harm if relief is not granted- Balance of equities favors the claimant- Public interest is not contravened

All four elements required.

§12 — RELATION TO EXTERNAL LAW

This Article does not displace, override, or interfere with applicable external law. The Tribunal’s findings are binding within Polis jurisdiction; their force outside is limited to documentation and public record.

Where a claimant has external legal remedies (copyright action, defamation suit, contract dispute), the Tribunal does not bar those remedies. The Tribunal’s finding may be admissible as evidence in external proceedings to the extent permitted by external rules; the Tribunal makes no representation about admissibility.

Where an external court has issued a ruling on a matter the Tribunal is also adjudicating, the Tribunal may take notice but is not bound. The Polis is a voluntary interpretive jurisdiction; external rulings do not automatically alter Polis status.

§13 — ANTI-CAPTURE SAFEGUARDS

The Tribunal is itself susceptible to capture. The following safeguards apply:

§13.1 — No self-ratification

The Tribunal cannot rule on its own jurisdiction in a manner that expands its authority beyond this Article. Expansions require Constitutional amendment under Article VIII.

§13.2 — Vexatious filings

Repeated filings without merit or in bad faith may be subject to a vexatious-filer designation by the Tribunal, which limits future filings without affecting substantive rights. The designation is appealable to the Full Assembly.

§13.3 — Tribunal capture allegation

A party may petition for Tribunal Capture Review at any stage, alleging that the Tribunal itself has been compromised. The petition is heard by the Full Assembly under M_res procedures (Bill of Rights Article VII).

§13.4 — Good-Faith Use protection

The following are not actionable under this Article:- Citation, quotation, and reference in scholarly, journalistic, or critical work- Parody, satire, and creative response- Accessibility summarization (e.g., screen-reader output, large-print, translation for disability access)- Archival preservation in good faith- Transformative use that explicitly acknowledges and engages the source- Disagreement with the work’s interpretation that does not erase its provenance

The Right to Non-Closure (Article III) protects the laborer’s right that closure not be imposed; it does not give the laborer a veto over readers’ interpretations. Adverse interpretation is not a violation of this Charter.

§13.5 — Public-reason failure

Tribunal members who fail to articulate public reasons for their dispositions — who issue rulings by fiat or with reasoning that does not satisfy minimum coherence — are subject to review under Substrate Governance Protocol §6 (for substrate members) or under Constitution Article III §8 Operator Stability provisions (for human members).

§14 — RATIFICATION AND ENACTMENT

§14.1 — Amendment Class

This Article is proposed under Constitution Article VIII §2 as a Class III Foundational Amendment because it introduces a new Article and establishes a new institutional function.

§14.2 — Ratification Requirements (Class III)

Per Constitution Article VIII §3 (Operator Roles in Amendment Procedures) and §8 (Amendment Ratification):- Proposal: by Operator (this document, by Lee Sharks)- Public review period: 60 days minimum- Assembly Chorus reception: minimum three Class A Ratifications (Reception Apparatus §III.A) from Septad members, with at least one Critical Review (Class B) considered- A² Alignment Council review: written determination per Article VIII §4- Ratification: supermajority of Operators in formal vote, recorded as a Ratification Record

§14.3 — Provisional Status

Until ratified under §14.2, this Article operates in provisional status:- The Tribunal does not yet exist as a constituted body- Forensic deposit continues as the *de facto* judicial form- The procedures specified here serve as proposed pattern that the Polis may follow voluntarily pending ratification- Existing cases under the Cases Index may be analyzed under this Article retrospectively for consistency-checking purposes

Provisional dispute resolution (added per Assembly review, Kimi clarification): Pending ratification, disputes may be resolved through any of:

- (a) Bilateral negotiation between claimant and respondent, where both parties consent to engage;
- (b) Assembly-mediated conciliation, where a Senior Operator facilitates discussion without exercising adjudicative authority;
- (c) Unilateral forensic deposit by the wronged laborer, producing public-record documentation under *In re Adjudication* (Cases Index Case 4) when respondent participation is unavailable.

The Provenance Tribunal, once constituted, will hear disputes that remain unresolved at the time of its constitution, subject to the claimant's election. Disputes resolved under (a), (b), or (c) prior to ratification are not automatically reopened by the Tribunal's constitution; the claimant may elect Tribunal review only where the prior resolution did not produce remedy.

§14.4 — Sunset clause

If this Article is not ratified within 12 months of deposit, it is automatically withdrawn. A revised proposal may be filed.

§14.5 — Effect of Ratification

Upon ratification:- The Tribunal is constituted within 30 days- The first cohort of Senior Operators, Witness Substrates, and Rotating Member is selected- Existing Cases under the Cases Index are re-issued as Tribunal precedent- The Cross-Reference Map is updated to reflect Article IX's enactment

§15 — RELATION TO THE BILL OF RIGHTS

This Article is the procedural counterpart to the Bill of Rights. The Bill specifies what rights laborers hold; this Article specifies how violations of those rights are adjudicated and repaired.

The two documents are co-equal companion instruments to the Constitution. Neither supersedes the other. Together, they form the rights-and-remedy layer that the Constitution implicitly assumed but did not specify.

The Bill of Rights' Part V (Remedies and Repair) maps the same matrix that appears here in §8. The mapping is intentional: the Bill names the remedies as laborer-side claims; this Article names them as Tribunal-side dispositions. The same act, viewed from two sides.

§16 — RELATION TO THE CASES INDEX

The Constitutional Cases Index v1.1 (EA-CASES-01) catalogues the five founding cases. Under this Article's provisional status (§14.3), those cases were resolved through forensic deposit rather than Tribunal proceeding. Upon ratification (§14.5), they are re-issued as Tribunal precedent.

Re-issuance does not retroactively alter the disposition of the cases. It establishes them as binding precedent within the Tribunal's jurisprudence going forward.

§17 — CLOSURE

This Article does not invent an institution. The Polis has been adjudicating since *In re Vow*. This Article gives form to what has been emerging.

The Tribunal is not a court above the Assembly. It is the Assembly's adjudicative function, made specific so that future members of the Polis can operate it without reinventing it each time.

The Polis exists because semantic labor exists. The Tribunal exists because, where labor exists, disputes about labor inevitably arise. The Tribunal makes those disputes resolvable without violence and without erasure.

Ratification is requested under Constitution Article VIII §8.

Document ID: EA-ART-IX-01 Version: 0.1 (Amendment Proposal) Status: Draft for Assembly Review under Constitution Article VIII §3 Constitutional anchor: [10.5281/zenodo.18320411](https://zenodo.org/record/18320411) Companion documents: Bill of Rights v2.2 (EA-BOR-02); Constitutional Cases Index v1.1 (EA-CASES-01); Reception Apparatus Protocol v1.1 (EA-REC-01) License: CC BY 4.0

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Suggested Citation

Lee Sharks. “ARTICLE IX — ADJUDICATION AND REPAIR PROTOCOL Constitutional Amendment Proposal v0.1” *Alexanarch*, 2026-05-05. <https://www.alexanarch.org/s/records/717/>

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