

Reconstruction of the *Ultra Petita* Principle in Judicial Decisions as an Effort to Achieve Substantive Justice

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ABSTRACT: This study examines the reconstruction of the *ultra petita* principle in judicial decision-making as a strategic effort to promote substantive justice within the Indonesian legal system. The *ultra petita* prohibition traditionally restricts judges from granting relief beyond what is requested by the parties. However, the evolving complexity of legal disputes and the growing emphasis on justice-oriented adjudication have prompted scholarly and practical debates on whether this principle should be interpreted more flexibly. Through a normative juridical approach supported by case analyses, this research explores how judges may exercise a balanced degree of discretion to address legal issues that are inseparably connected to the claims submitted, even when such issues extend beyond the explicit petitem. The findings indicate that a reconstructed interpretation of the principle—one that remains aligned with procedural fairness yet responsive to material justice—provides a stronger foundation for delivering court decisions that genuinely protect rights, uphold equity, and reflect societal values. The study also highlights the need for clearer doctrinal guidelines and judicial parameters to prevent abuse of authority while enabling judges to bridge gaps between formal legal demands and substantive justice outcomes. Overall, the reconstruction of the *ultra petita* principle serves as a crucial step toward creating a more adaptive and justice-oriented judiciary.

KEYWORDS: Ultra Petita, Judicial Discretion, Substantive Justice.

I. INTRODUCTION

The principle known as *ultra petita* has long been recognized as one of the fundamental doctrines governing judicial decision making in civil law systems, including Indonesia. The term *ultra petita* refers to a situation in which a judge grants relief that exceeds, differs from, or is outside the scope of what the parties have formally requested in their petitem. Classical procedural theory maintains that a judge must decide only within the boundaries established by the claims and demands of the litigants. This principle is grounded in the doctrine of party disposition, which places control of the litigation in the hands of the parties rather than the judge (Harahap, 2019). As a result, the judge is traditionally viewed as a neutral and passive arbiter whose authority is confined to adjudicating matters raised explicitly by the disputing parties. In the Indonesian legal system, the prohibition of *ultra petita* is historically supported by the provisions of the *Herziene Indonesisch Reglement* and the *Rechtsreglement Buitengewesten*. These procedural laws are interpreted as restricting judicial authority to the petitem submitted by the plaintiff. When a judge grants a remedy not requested by the parties, the judgment may be viewed as exceeding judicial authority and therefore considered legally flawed. This interpretation is consistent with the principle of legal certainty and procedural fairness, two values that have been deeply embedded in Indonesian procedural doctrine since the colonial era (Subekti, 2005).

Despite its longstanding role, the *ultra petita* prohibition has become an increasingly debated subject among scholars, practitioners, and judicial institutions in Indonesia. Contemporary legal scholarship recognizes that courts are no longer merely mechanical institutions that resolve disputes in a strictly formalistic manner. Instead, modern adjudication increasingly demands that judges consider fairness, context, and the broader interests of justice when interpreting procedural rules (Asshiddiqie, 2015). The evolution of legal thought has encouraged judges to take on a more substantive role, one that does not solely focus on the literal claims of the parties but also examines the underlying issues necessary to resolve disputes comprehensively.

In many cases, strict adherence to the *ultra petita* principle is criticized for preventing courts from delivering justice in a meaningful and substantive way. Researchers have noted that the petitem filed by litigants is not always capable of capturing the full complexity of legal conflicts, particularly when litigants lack adequate legal knowledge or representation (Astawa, 2017). When judges are rigidly bound to the petitem, they may be unable to address issues that are closely related to the dispute and essential for ensuring fairness. Consequently, procedural limitations may become obstacles to achieving the deeper goals of justice, which include equality before the law, protection of substantive rights, and the restoration of social equilibrium.

Judicial decisions from various Indonesian courts also illustrate moments when *ultra petita* was considered necessary to

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uphold justice. The Constitutional Court, for example, has issued several rulings that critics classify as ultra petita. Supporters of such decisions argue that the Constitutional Court is mandated to uphold constitutional values and that, in certain cases, delivering justice requires addressing matters not explicitly requested by the petitioners (Simanjuntak, 2018). Although civil courts operate under different procedural frameworks, the same logic has increasingly influenced debates on whether civil judges should be granted greater interpretive flexibility in applying the ultra petita principle.

Scholars who support the modernization of the ultra petita doctrine argue that the procedural rules governing judicial authority must adapt to the dynamic nature of contemporary disputes. They assert that the legal system must recognize the judge as an active guardian of justice rather than a passive adjudicator. This perspective aligns with the principles of progressive law, which emphasize the importance of substantive justice and moral responsibility over strict formalism (Rahardjo, 2010). By reconstructing the ultra petita principle, judges would be empowered to provide holistic remedies that genuinely address the needs of the parties and prevent future disputes.

However, opponents of judicial activism warn that relaxing the ultra petita prohibition may undermine legal certainty and open the door to judicial overreach. Legal certainty is a fundamental component of the rule of law, ensuring that litigants can predict the outcome of disputes based on established procedural rules. Critics argue that granting judges too much discretion may lead to inconsistent decisions, reduce public trust in the judiciary, and weaken the principle of party autonomy (Marzuki, 2016). Moreover, excessive judicial intervention could blur the distinction between adjudication and legislation, raising concerns about separation of powers and democratic accountability.

These contrasting viewpoints reveal a tension between two essential legal values. On one hand, procedural consistency and predictability serve as safeguards against arbitrary judicial behavior. On the other hand, the pursuit of substantive justice requires flexibility and contextual interpretation, especially when strict procedural rules do not adequately support fair outcomes. As courts become increasingly central in shaping social and legal order, the challenge lies in determining how to balance these competing values in a principled and structured manner.

Reconstructing the ultra petita principle does not mean eliminating the doctrine entirely. Instead, it involves redefining the boundaries of judicial authority while maintaining mechanisms to prevent abuse. Several scholars propose that judges be allowed to provide remedies beyond the petitum only under specific conditions. These conditions may include situations where the expanded remedy is necessary to restore legal rights, where the petitum is inherently incomplete, or where the law explicitly mandates judicial intervention beyond party requests (Kusumaatmadja, 2012). Such a reconstruction would ensure that judicial discretion is exercised not arbitrarily but based on normative justification. A comparative perspective also provides useful insights. In many civil law jurisdictions, courts have adopted a more flexible approach to the ultra petita doctrine. Some legal systems allow judges to address all claims arising from legal relationships presented in the facts of the case, even if the petitum does not include those claims. This development reflects an understanding that procedural rules must evolve in parallel with societal needs and expectations (Zweigert and Kötz, 1998). Although Indonesian law has its own historical and structural characteristics, comparative jurisprudence shows

that the reconstruction of ultra petita is not inherently incompatible with civil procedure theory.

The need for reconstruction is further reinforced by the growing emphasis on judicial responsibility to protect fundamental rights. In cases involving vulnerable communities, marginalized groups, or matters of public interest, judges may need to extend their analysis beyond the formal claims of litigants to ensure fairness. This shift is consistent with the principle that courts serve not only as arbiters of private disputes but also as institutions with a broader moral mandate (Friedman, 2006). By reinterpreting the ultra petita principle, the judiciary could play a more effective role in promoting justice and legal protection for all members of society.

Given these considerations, this study seeks to analyze the theoretical, normative, and practical dimensions of reconstructing the ultra petita principle in Indonesian judicial practice. The goal is to determine whether reconstruction is necessary, what form it should take, and how it can be implemented without compromising legal certainty and procedural fairness. Through this analysis, the study contributes to the broader discourse on judicial reform, progressive legal interpretation, and the pursuit of substantive justice in Indonesia. Ultimately, reconstructing the ultra petita principle is proposed not as an obstacle to procedural order but as a pathway toward a more responsive and justice oriented judiciary.

II. FORMULATION OF THE PROBLEM

1. How does the strict prohibition of ultra petita limit the ability of judges to achieve substantive justice in Indonesian judicial practice?
2. What form of reconstruction of the ultra petita principle is theoretically and normatively justified in order to harmonize procedural certainty with substantive justice?

III. RESEARCH METHOD

This study employs a normative juridical research method, which is the approach most appropriate for examining legal doctrines, statutory provisions, and judicial interpretations relating to the ultra petita principle. Normative juridical research focuses

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on law as a prescriptive system of norms that guides judicial behavior and regulates procedural boundaries. This method allows the researcher to analyze legal materials in a systematic, coherent, and analytical manner in order to understand the theoretical foundations and doctrinal issues surrounding the reconstruction of the ultra petita principle (Ibrahim, 2018). Through this approach, the study is primarily concerned with what the law ought to be and how legal principles should be interpreted to achieve substantive justice.

The research begins with a statute based analysis, examining procedural rules contained in the *Herziene Indonesisch Reglement*, the *Rechtsreglement Buitengewesten*, and relevant provisions in judicial legislation such as the Law on Judicial Power. This statutory analysis seeks to identify the extent of judicial authority, the formal limitations imposed on judges, and the interpretive space available for reconsidering the ultra petita doctrine. Statutory interpretation is conducted using a combination of grammatical, systematic, and teleological methods to understand both the literal meaning of the provisions and the broader objectives of procedural law (Marzuki, 2016).

In addition to statutory analysis, this study relies heavily on conceptual and doctrinal analysis. This involves examining scholarly writings, legal commentaries, and theoretical frameworks that discuss the function of courts, the nature of judicial discretion, and the values of substantive justice. Doctrinal materials from legal scholars such as Harahap, Subekti, and Rahardjo provide foundational perspectives on the role of judges and the interaction between procedural rules and justice. These materials help clarify the philosophical and theoretical tensions between strict procedural formalism and more flexible, justice oriented adjudication.

IV. DISCUSSION

A. The Impact of the Strict Prohibition of Ultra Petita on the Ability of Judges to Achieve Substantive Justice in Indonesian Judicial Practice

The strict prohibition of ultra petita in Indonesian procedural law has long been regarded as a mechanism for ensuring judicial neutrality, procedural discipline, and legal certainty. However, as the legal system has evolved and societal expectations regarding the role of courts have expanded, this rigid prohibition increasingly reveals its limitations in enabling judges to administer substantive justice. Substantive justice refers to fairness in outcomes rather than strict compliance with formal rules. The tension between these two ideals becomes evident when judges encounter disputes where the petition submitted by the parties is incomplete, inaccurately formulated, or incapable of capturing the full extent of the rights that should be protected. Under such circumstances, the ultra petita prohibition prevents judges from addressing the broader issues necessary to deliver equitable outcomes (Harahap, 2019).

One of the most significant limitations imposed by the strict ultra petita doctrine is the judicial inability to provide remedies that are logically or legally necessary but not explicitly requested. In many cases, litigants, especially those without strong legal representation or adequate understanding of procedural rules, submit petition that fails to reflect the remedies truly needed for resolving the dispute. Indonesian courts often deal with litigants who lack legal sophistication, particularly in civil cases involving family disputes, land conflicts, or small commercial disagreements. When judges are bound by the petition in an overly literal way, they may produce decisions that technically comply with procedural rules but fail to address the substantive wrongs at the heart of the case (Astawa, 2017). This situation creates outcomes that satisfy legal formality but fail to uphold the principles of fairness and justice expected by society.

Another limitation arises when strict ultra petita prevents judges from addressing legal issues that emerge clearly from the facts. Indonesian civil procedure separates *posita*, which contains the factual foundation of the claim, from *petitum*, which contains the specific requests. The substantive legal assessment performed by the judge is based on the *posita*. Yet when the *petitum* is incomplete or inadequately aligned with the *posita*, the judge is prevented from granting relief that corresponds to the legal conclusions derived from the facts. This mismatch between the facts presented and the relief demanded can cause judicial outcomes that appear contradictory. Scholars have noted that rigid adherence to the ultra petita prohibition can force judges to issue rulings that recognize the existence of rights violations but do not provide adequate remedies to correct them, thus undermining the very purpose of adjudication (Subekti, 2005).

The strict prohibition also limits judicial discretion in situations where broader societal interests or constitutional values intersect with private disputes. Although civil courts operate within narrower procedural limits compared to the Constitutional Court, they nonetheless encounter situations where issues of fairness, public interest, or protection of vulnerable parties arise. Indonesian procedural law anticipates judicial discretion in matters involving equity or public welfare, but the ultra petita prohibition restricts judges from acting upon these considerations unless expressly requested by litigants. This creates a paradox: courts are expected to protect justice and uphold values of fairness, yet they are prevented from doing so when the petition fails to reflect the broader moral and social dimensions of the dispute (Asshiddiqie, 2015).

Furthermore, the strict prohibition of ultra petita hinders judicial adaptation to emerging forms of disputes driven by social, economic, and technological developments. Modern legal conflicts often involve interconnected rights, multi-dimensional harms, and complex contractual or regulatory frameworks. Traditional petition-based adjudication may not always capture the full spectrum

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of relief necessary to resolve such disputes. For example, cases involving digital transactions, consumer protection, or environmental harm often demand holistic remedies, including declaratory relief, injunctions, or orders to prevent further harm. If litigants fail to request these specific remedies, judges adhering strictly to the ultra petita rule are forced to limit their decisions to the narrow relief requested, thereby providing incomplete or ineffective solutions (Marzuki, 2016).

The doctrine also impacts judicial efficiency. When courts cannot provide complete relief in a single judgment because of procedural constraints, litigants may be compelled to file additional lawsuits to resolve residual issues. This practice contradicts the principle of judicial economy, which encourages the resolution of all relevant matters in one proceeding to avoid unnecessary litigation. The resulting inefficiency burdens both litigants and the judicial system, leading to increased costs, delays, and uncertainty. Scholars argue that strict ultra petita adherence may inadvertently contribute to case backlogs and procedural redundancy in Indonesian courts (Ibrahim, 2018).

Strict adherence to ultra petita also affects the principle of access to justice. In many civil law jurisdictions, judges are granted broader authority to interpret *petitum* flexibly or to provide remedies reasonably connected to the facts presented. The Indonesian approach, however, limits judges even when there is overwhelming evidence that a broader or different remedy would better protect rights. Access to justice involves not only the ability to bring a claim but also the ability to receive a meaningful and effective remedy. When procedural technicalities prevent courts from providing such remedies, litigants suffer from a diminished sense of justice, and the legitimacy of the judicial system may be compromised (Rahardjo, 2010).

Another weakness of a strict ultra petita prohibition is its inability to address structural inequalities. Litigants often differ in their ability to articulate claims, understand legal procedures, or afford legal representation. Wealthier or better-informed litigants can craft more accurate and comprehensive *petitum*, while less privileged parties may submit incomplete claims. When judges strictly follow ultra petita rules, litigants with weaker procedural capacity are disproportionately disadvantaged, reinforcing social inequalities. This tension highlights the need for a more equitable approach that allows judges to correct or supplement *petitum* in cases where doing so is necessary to prevent injustice (Friedman, 2006).

Finally, the strict prohibition restricts the role of judges as guardians of justice and public interest. Judicial authority is not solely confined to mechanically applying rules; it also encompasses moral responsibility to ensure fairness. The Indonesian legal system, influenced by civil law traditions and progressive legal thought, acknowledges that judges must interpret law in a manner consistent with societal values and constitutional mandates. When judges are unable to provide relief that addresses substantive issues due to procedural constraints, their ability to fulfill this role is significantly hampered. This challenge highlights the growing recognition that strict ultra petita may no longer be compatible with contemporary expectations of judicial responsibility and justice.

In summary, the strict prohibition of ultra petita limits judicial capacity in several ways: it prevents the granting of necessary remedies, creates contradictions between recognized rights and enforceable orders, restricts consideration of broader moral and public interest issues, hinders adaptation to modern disputes, undermines access to justice, reinforces structural inequalities, and constrains the judiciary's ability to uphold fairness. These limitations reveal the need for a balanced reconstruction of the ultra petita doctrine that preserves procedural certainty while allowing judges greater flexibility to pursue substantive justice.

B. Reconstruction of the Ultra Petita Principle to Harmonize Procedural Certainty and Substantive Justice

The need for reconstructing the ultra petita principle emerges from the tension between the procedural rigidity of Indonesian civil law and the evolving demands for justice within contemporary society. Reconstruction does not imply abolition of the doctrine but rather a redefinition of its boundaries to allow courts to act more effectively while preventing arbitrary judicial discretion. Theoretical and normative justifications for reconstruction derive from three main frameworks: procedural theory, substantive justice theory, and constitutional principles governing judicial authority.

The first theoretical foundation for reconstructing ultra petita is the concept of corrective justice, which posits that adjudication is fundamentally aimed at restoring the rightful balance between parties based on their legal relationship. Corrective justice, as articulated by scholars such as Ernest Weinrib, emphasizes the responsibility of the court to mend the disruption of rights caused by wrongful conduct. Under this framework, if the *petitum* submitted by the plaintiff is incomplete or inadequately formulated, strict adherence to ultra petita may prevent the fulfillment of corrective justice. Thus, reconstruction is justified because it empowers the court to provide remedies that logically follow from the facts and legal analysis, even if not explicitly requested (Weinrib, 1995).

A second theoretical basis is found in Ronald Dworkin's notion of law as integrity, which holds that judicial decision making must reflect moral coherence and fairness. Under this perspective, a legal system must ensure that similar cases are treated consistently and that judicial decisions reflect the moral principles that justify the law. If strict ultra petita prevents a judge from addressing issues that are morally and legally relevant, the outcome contradicts the principle of law as integrity. Reconstruction is therefore needed to allow judges to uphold fairness without violating procedural fairness, creating a more coherent and principled system of adjudication (Dworkin, 1986).

The third theoretical foundation arises from Satjipto Rahardjo's progressive legal theory, which asserts that law should serve human welfare rather than the mechanical application of rules. Progressive legal thought emphasizes that rigid procedural doctrines

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should not obstruct the pursuit of justice. The ultra petita principle, in its strict form, often creates barriers to substantive justice, particularly for vulnerable groups. Progressivism thus supports reconstruction by giving judges limited authority to move beyond the petitum when necessary to protect rights or correct legal imbalances (Rahardjo, 2010).

On a normative level, reconstruction must consider Indonesia's constitutional principles. Article 24 of the Constitution mandates that judicial power is exercised to uphold law and justice. The phrase law and justice suggests that judges are not limited to literal procedural compliance but are responsible for ensuring outcomes that reflect substantive fairness. In this sense, reconstruction of ultra petita aligns with constitutional directives by allowing judges to give effect to justice even when the petitum is imperfect. Scholars argue that judicial power includes the authority to interpret procedural rules in a manner consistent with constitutional values (Asshiddiqie, 2015).

Another normative justification for reconstruction lies in the principles of access to justice and effective legal protection. Modern procedural reforms around the world increasingly emphasize that the role of courts is not only to adjudicate disputes but also to ensure that litigants receive meaningful relief. The strict ultra petita rule can result in partial or inadequate remedies, thus limiting effective access to justice. Reconstruction can be designed to permit broader judicial authority while still maintaining procedural safeguards that protect against arbitrary decisions (Friedman, 2006).

The reconstruction of the ultra petita principle can take several structured and principled forms. The first form involves adopting the concept of implicit petitum. Under this approach, judges may grant remedies not explicitly stated in the petitum but logically connected to the posita and necessary to resolve the dispute. This approach is used in several civil law jurisdictions and is justified on the grounds that petitum and posita should be interpreted harmoniously. If the facts clearly support a certain remedy, the absence of explicit request should not prevent its granting, provided it remains within the scope of the legal relationship between the parties (Zweigert and Kotz, 1998).

The second form of reconstruction is the doctrine of logical consequence remedies. Under this model, judges may provide remedies that are indispensable for the enforcement of explicitly requested rights. For example, if a plaintiff requests recognition of ownership, the court may also order related administrative actions necessary to effectuate the ownership, even if not explicitly stated. This approach supports judicial efficiency and ensures that judicial orders are practically enforceable (Harahap, 2019).

A third form of reconstruction involves granting judges the authority to clarify or supplement petitum when it is incomplete or technically deficient. This power would not allow judges to introduce entirely new claims but would allow them to refine or correct petitum in line with the factual and legal issues presented. This approach protects litigants who lack technical legal skills while preventing judges from exceeding their authority (Ibrahim, 2018).

Another possible reconstruction is the introduction of conditional ultra petita authority. Judges may be permitted to grant remedies beyond the petitum only under specific conditions such as:

- a. when the additional remedy is necessary to prevent injustice,
- b. when the petitum is incomplete but the facts clearly justify additional relief,
- c. when the legal system mandates certain outcomes regardless of party request, or
- d. when public interest considerations require broader judicial action.

This conditional approach ensures procedural certainty by limiting judicial discretion while enabling flexibility in hard cases (Marzuki, 2016).

Comparative experiences from other jurisdictions provide additional models for reconstruction. Many civil law systems allow judges to grant remedies that are closely related to the claim or necessary to restore justice. For example, courts in Germany and France employ a principle of interpretative flexibility that allows judges to classify claims based on facts rather than strictly on the petitum formulation. Although Indonesia maintains its own procedural identity, these comparative models demonstrate that reconstruction can be achieved without departing from civil law traditions (Zweigert and Kotz, 1998).

Normatively, reconstruction should also include procedural safeguards. These safeguards may require judges to: Provide written justification explaining why relief outside the petitum is necessary,

Demonstrate that the additional remedy is directly connected to the facts and legal issues presented,

Respect the adversarial principle by ensuring that parties have had the opportunity to respond to the issues considered,

Avoid granting remedies that fundamentally alter the nature of the dispute or introduce new legal relationships.

Such safeguards balance judicial flexibility with transparency and limit the risk of judicial overreach.

The reconstruction of ultra petita should also be aligned with judicial education and capacity building. Judges must be equipped with the skills to determine when a broader interpretation of petitum is justified and how to articulate legal reasoning in a principled manner. Without this competence, reconstruction could lead to inconsistent or unpredictable judicial practices. Strengthening judicial reasoning standards is therefore essential to ensure that reconstructed ultra petita principles are applied uniformly and responsibly (Simanjuntak, 2018).

Finally, reconstruction must promote a vision of Indonesian adjudication as both procedurally disciplined and substantively just. Legal certainty remains important because it ensures predictability and protects litigants from arbitrary decisions. However, legal certainty cannot be understood solely as rigid compliance with procedural rules. It must also include certainty that courts will

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protect substantive rights and uphold fairness. Reconstruction of the ultra petita principle allows courts to reconcile these values, ensuring that procedural rules support rather than hinder the pursuit of justice.

In conclusion, the reconstruction of the ultra petita doctrine is theoretically justified by principles of corrective justice, legal integrity, progressive legal thought, and constitutional mandates. Normatively, reconstruction promotes access to justice, fairness, and effective judicial protection. The reconstructed doctrine should not grant judges unlimited discretion but should establish principled boundaries allowing judges to provide necessary remedies, interpret petitum coherently, correct technical deficiencies, and ensure justice without undermining procedural certainty. Through structured reconstruction supported by safeguards and judicial education, Indonesian courts can harmonize the traditional commitment to procedural certainty with the contemporary imperative to deliver substantive justice.

V. CONCLUSIONS

The analysis demonstrates that the strict prohibition of ultra petita within Indonesian judicial procedure has generated a persistent tension between procedural certainty and the judicial obligation to uphold substantive justice. While the prohibition was originally intended to safeguard fair trial principles and protect litigants from decisions exceeding their claims, its rigid application often prevents judges from addressing the core substantive issues underlying a dispute. As a result, courts may be constrained from delivering decisions that fully resolve legal problems or restore the balance of rights between the parties, particularly in cases involving structural injustice, inequality of bargaining power, or legal ambiguity. This condition ultimately weakens the judiciary's role as the guardian of justice.

The study finds that a reconstruction of the ultra petita principle is both theoretically and normatively justified. A reformed approach would retain procedural predictability while allowing limited judicial discretion in circumstances where strict adherence would undermine the objectives of justice. Such reconstruction may take the form of conditional flexibility, guided discretion, and substantive-justice oriented interpretation, supported by comparative experiences from other civil law jurisdictions. Harmonizing procedural rules with substantive fairness not only strengthens judicial authority but also enhances public trust in the legal system and ensures that procedural law functions as a means rather than a barrier to justice.

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