



Analysis of Neglected Justice in Land Disputes in Ambon District Court

Ronald Saija

Faculty of Law Pattimura University, Ambon, Indonesia.

@ : ronaldreagensaija676@gmail.com

Corresponding Author*



Submitted: 2022-01-16

Revised: 2022-03-18

Published: 2022-04-14

Article Info	Abstract	
<p>Keywords: Justice; Judge's Decision; Fair Decision.</p>	<p>Introduction: The main task of a court judge is to receive, examine and adjudicate and settle every case that is brought to him. Judges may not refuse to examine and adjudicate cases submitted on the pretext that the law does not exist or is unclear, but is obligated to examine and try them. The study of this decision is to test whether the decision of the panel of judges in the court of first instance reflects a substantively fair decision.</p> <p>Purposes of the Research: The purpose of this study is to criticize the legal considerations of judges on land disputes objectively.</p> <p>Methods of the Research: The research method used is normative juridical research with a qualitative analytical descriptive nature, by examining legal materials, both primary legal materials and secondary legal materials through literature studies and other related literature.</p> <p>Results of the Research: The analysis used in this study is a qualitative analysis to answer the problems studied. The results of the research and discussion stated that the judge's decision in the District Court Decision Number 242/Pdt.G/2020/PN.Amb was wrong and neglected to provide legal considerations as legal objectives, namely aspects of justice, aspects of expediency and aspects of legal certainty. In these aspects, the judge was wrong and wrong in considering the ownership of a plot of land with an area of 267 M2 with a Certificate of Ownership in the name of the Defendant, namely Hana Marthina Leuhery Number 1739/desa rumah three, 15-05-2011, Letter of Measurement dated 5 May 2011 according to PRONA from the national land agency, so that aspects of justice, aspects of usefulness and aspects of legal certainty are neglected.</p>	

1. INTRODUCTION

Indonesia as a state of law as stated in the explanation of the 1945 Constitution, then all state activities must be based on law. The term rule of law is a translation of *rechtstaat* (Dutch), which according to Soetandyo Wignyosoebroto is only a literal translation and cannot be said to be a more conceptual and/or syntagmatic translation.¹ It is further said that the term *rechtstaat* in Dutch (or lawstate in English) can also be interpreted as "legal status". It means the highest status in the hierarchy of norms of order in the life of the state and society, or what in English is said to be the supreme state of law. In other words, it is the law that must be referred to first, by overcoming or surpassing any other norms, for the

¹ Soetandyo Wignyosoebroto, *Hukum Paradigma, Metode Dan Dinamika Masalahnya, Elsam Dan Huma* (Jakarta: Elsam dan Huma, 2002), p. 472.

realization of a common life in state organizations. Furthermore, if it is said that the law will be the first reference, then the question arises, what is meant by law here or which law?. Law is always related/related to human life, so when we talk about law, it cannot be separated from talking about human life.²

An alarming phenomenon in the field of law enforcement and justice is that legal justice is no longer in line with social justice.³ Conflicts between family members can be resolved through the courts and can also be resolved out of court, such as through Arbitration or *Alternative Dispute Resolution*. If conflict resolution is carried out in court, then the judge has the duty and authority to resolve it. Judges in carrying out their duties and authorities, namely to uphold law and justice, must be based on Pancasila and seek the legal basis and the principles on which it is based.⁴

Radbruch's opinion as quoted by Satjipto Rahardjo states that the basic values of the law that must be enforced are: legal certainty (*rechts-sicherheit*), expediency (*zweckmassigkeit*) and justice (*gerechtigkei*). These three basic values have a *spannungsverhältnis*, a tension with each other.⁵ Hart's theory of positive law states that the essence of law lies in the use of the element of coercion.⁶ Then Lon L. Fuller⁷ emphasized the content of positive law, because it must meet eight formal requirements, namely:

- a) General law requires regulations, meaning that this requirement touches the essence of the legal system. In order for a legal system to be enforced, efforts should be made to influence behavior and (*possibly*) settle disputes.
- b) Rules should be announced so that they can fulfill their regulatory function. Both to guide behavior and to resolve disputes it is necessary that people know the rules in question.
- c) Rules cannot be retroactive. If the rule of law is seen as a tool to guide (*future*) behavior, it is easy to understand that the law must not apply retroactively.
- d) Rules must be clear, should not be interpreted in a double way. Rules must be maintained to help the solution so that it does not invite problems.
- e) Rules should not be contradictory inwardly. Rulers must not command something and at the same time prohibit the same thing.
- f) Rules should not demand the impossible.
- g) Rules should have a certain state that does not change (*zekere consistentie*).
- h) Rules should not only apply to justicials, but also apply to rulers.

The main task of a court judge is to receive, examine and adjudicate and settle every case that is brought to him. Judges may not refuse to examine and adjudicate cases submitted on the pretext that the law does not exist or is unclear, but is obligated to examine and try them.

This function or task does not only resolve conflicts/ disputes, but the court also hears cases that do not arise from a dispute. Therefore, the legal products produced by the courts

² Sudikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar* (Yogyakarta: Liberty, 2010), p. 1.

³ Fence M Wantu, "Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata," *Mimbar Hukum* 25, no. 2 (2013): 205-18.

⁴ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia* (Yogyakarta: Liberty, 1998), p. 18.

⁵ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2000), p. 19.

⁶ Khudzaifah Dimiyati, *Teorisasi Hukum Studi Tentang Perkembangan Pemikiran Hukum Di Indonesia 1945-1990* (Surakarta: Muhammadiyah University Press, 2004), p. 62.

⁷ N E Algra and K Van Duyvendijk, *Mula Hukum: Beberapa Bab Mengenai Hukum Dan Ilmu Hukum Untuk Pendidikan Hukum Dalam Pngantar Ilmu Hukum*, trans. J C T Simorangkir (Jakarta: Bina Cipta, 1983), p. 122-128.

can be in the form of decisions (*vonnis*) and determinations (*beschikking*). A court product in the form of a decision is taken to resolve or end a dispute, while a court product in the form of a decision is taken on the basis of an application. The function or task of the judge must be carried out by taking into account the principles that apply in the judicial system, namely the achievement of a simple, fast and low cost trial. Protracted or delayed judicial proceedings resulting in reduced court authority (*justice delayed is justice denied*).⁸ This is also based on the idea that when the disputing parties take steps to resolve the dispute between them by asking for court assistance, this means that they are no longer able to resolve the dispute on their own or resolve the dispute directly (*face to face*).⁹

A judge's decision is a statement by a judge as a State Official (*at the Supreme Court*) or as an Official of Judicial Power (*at the District Court and High Court*) who carries out the duties of judicial power, who are authorized to settle disputes/ disputes. In other words, the judge's decision is a statement by the judge as a state official who is authorized to do so and aims to end or resolve a case/ dispute. Therefore, the judge who makes the decision acts on behalf of the state which must protect every citizen in this beloved country through a just and authoritative decision. The decision also does not end in making a decision, but also completes it until its implementation.

The judge's consideration is one of the most important aspects in determining the realization of the value of a judge's decision that contains justice and legal certainty, besides that it also contains benefits for the parties concerned so that the judge's considerations must be addressed carefully, well and carefully. If a judge's judgment is made in an imprecise, good and careful manner, the judge's decision that comes from the judge's consideration will be annulled by the High Court/Supreme Court.

Law Number 48 of 2009 concerning judicial power in the provisions of article 5 paragraph (1) states that "judges and constitutional judges are obliged to explore, follow and understand the legal values of the sense of justice that live in society" and also in paragraph (2) and (3) explains that "(2) judges and constitutional judges must have integrity and personality that is beyond reproach, honest, fair, professional and experienced in the field of law. (3) judges and constitutional judges are obliged to obey the code of ethics and the code of conduct of judges".

Satjipto Rahardjo said law enforcement is an effort to turn ideas about justice, certainty and social benefits into reality. The process of realizing these ideas is the essence of law enforcement. Justice is also defined as a constant and continuous effort to give everyone the rights.¹⁰ From the opinion above, it relates to the case of the District Court's decision Number 242/Pdt.G/2020/PN.Amb dated May 31, 2021 against the lawsuit against the law between Hana Marthina Leuhery (*Defendant*) against Betty Leuhery/Huliselan (*Plaintiff*), in excerpt of the verdict, namely: "that the plaintiff's claim was denied by the defendant because according to the defendant it was true that in 1993 there had been a sale and purchase transaction of a plot of land with an area of 267 M2 (*two hundred and sixty-seven square meters*) amounting to Rp. 3,750,000 (*three million seven hundred fifty thousand rupiah*) which was committed between the father of the defendant and the husband of the plaintiff. That by giving some money from the defendant's father to the plaintiff's husband, in 1994

⁸ Mertokusumo, *Hukum Acara Perdata Indonesia*. Op. Cit. p. 82.

⁹ Binoto Nadapdap, "Mendambakan Putusan Hakim Yang Berwibawa," *Jurnal Keadilan* 3, no. 2 (2003): 12-19.

¹⁰ Satjipto Rahardjo and Riduan Syahrani, *Rangkuman Intisari Ilmu Hukum* (Bandung: Citra Aditya Bakti, 1999), p. 192.

the defendant's father built a permanent residence on the land." If we look at the quote from the verdict, where the plaintiff, Betty Leuhery/Huleselan, should have been willing to give up a plot of land with an area of 267 M2 (*two hundred and sixty-seven square meters*) to the defendant, because of the sale and purchase carried out by the plaintiff's husband and the defendant's father since 1993.

Justice is a policy value for all that is measured by what should be done morally, not only measured by human actions and motives. If the value of the policy is not just a human motive, because the panel of judges decided the dispute, if it is seen in the quote from the District Court's decision Number 242/Pdt.G/2020/PN.Amb, as quoted in the defendant's exception, namely: in the postulate of the lawsuit, it is not denied or explicitly denied by the defendant as stated in the answer argument, namely: that what the plaintiff argues is beyond the knowledge of the defendant's father, but in 1993 there has been a transaction on a piece of land carried out by the plaintiff's husband and the defendant's father, whichever exists. the amount of money given by the father of the defendant in the amount of Rp. 3,750,000 to the plaintiff's husband to buy a plot of land for their residence and the plaintiff's husband to give land to the defendant's father with an area of 267 M2".

Each District Court Decision is determined by the Majelis Judges in assessing civil disputes, it must first describe objective legal considerations on matters that should be granted or rejected. This is different from the civil dispute between Hana Marthina Leuhery vs. Betty Leuhery/Huliselan at the Ambon District Court regarding land disputes, with the District Court Decision Number 242/Pdt.G/2020/PN.Amb dated 19 July 2021. The decision stated that in legal considerations by the Panel of Judges that the position of the Sale and Purchase Deed on a piece of land invalidates the legal force of the Certificate of Ownership issued by the National Land Agency. The legal considerations contained in the decision have ignored objective considerations, even more are subjective, focused on the plaintiff only. In the legal considerations, can the principle of *ius curia novit* still be maintained? Or is there an element of subjective judgment in it? sometimes the Panel of Judges always assumes that if the justice seeker is not satisfied with the decision issued, then there are other legal remedies that can be used, including an appeal, cassation and review.

The process of handling cases by judges in court is not only a technical juridical and procedural matter for the application of regulations, but involves the orientation of the values adopted by judges. The judge will sort and choose what values will be realized. Furthermore, in practice, there is a shift in the choice of instrumental or subjective values that are prioritized by the subject at a certain time and context in various ways and opportunities that can be utilized.¹¹

The existence of these raises various issues in practice in the courts of first instance, namely how can judges mistakenly issue subjective civil law considerations? Can subjective judge decisions be defended against civil disputes Number 242/Pdt.G/2020/PN.Amb? How can justice be maintained, when objective judgment has been toyed with? Has the decision of the panel of judges in the court of first instance reflected a substantively fair decision in relation to Decision Number 242/Pdt.G/2020/PN.Amb?

Thus, this paper raises the following problems: does the decision of the panel of judges in the court of first instance reflect a substantively fair decision in relation to Decision Number 242/Pdt.G/2020/PN.Amb?

¹¹ M. Syamsudin, "Rekonstruksi Perilaku Etik Hakim Dalam Menangani Perkara Berbasis Hukum Progresif," *Jurnal Hukum Ius Quia Iustum* 8, no. Edisi Khusus (2011): 127-45.

2. METHOD

This study uses a normative juridical research method, namely a doctrinal legal research method that examines, examines and analyzes various provisions of applicable laws and regulations relating to the problem under study. The nature of this research is analytical descriptive by examining legal materials, both primary legal materials and secondary legal materials through literature studies and other related literature. The analysis used in this study is a qualitative analysis to answer the problems studied.

3. RESULTS AND DISCUSSION

In Indonesia, the principle of freedom of judges is fully guaranteed in Law Number 48 of 2009 concerning Judicial Power, hereinafter referred to as the Law on Judicial Power, where it is formulated that judicial power is the power of an independent state to administer justice to uphold law and justice. The principle of freedom of judges includes the freedom for judges to formulate legal considerations, known as legal reasoning, which is carried out by a judge in deciding a case he is trying.

The freedom of judges contextually has 3 (three) essences in exercising judicial power, namely: Judges are only subject to law and justice; No one including the government can influence or direct the decision to be handed down by the judge; There are no consequences for the judge's personality in carrying out their judicial duties and functions.¹² Formulating and compiling legal considerations or legal reasoning must be careful, systematic and in correct and good Indonesian. The legal considerations must be complete, containing facts of events, legal facts, formulation of legal facts, application of legal norms in positive law, customary law, jurisprudence and legal theories and others, based on aspects and methods of legal interpretation, even a judge can make discoveries, appropriate law in compiling arguments or reasons that form the legal basis for the judge's decision. For judges, legal reasoning is useful in making judgments in deciding a case. A judge before making his decision must pay attention to and try how much he can lest the decision to be handed down allows new cases to arise. Decisions must be complete and not lead to new cases. The task of the judge does not stop with making a decision, but also completes it until its implementation. In civil cases, judges must assist justice seekers and try their best to overcome all obstacles and obstacles in order to achieve a simple, fast and low cost trial.¹³

This civil dispute began when Betty Leuhery/Huliselan as the Plaintiff wanted land owned by Hana Marthina Leuhery as the Defendant which was located at Rumah Tiga, RT.002/RW.005, Teluk Ambon Baguala District, Ambon City, which already has a Certificate of Ownership Number 1739 based on The Measurement Letter dated May 5, 2011 Number 00038/rumah Tiga/2011, belongs to the father of the defendant and his descendants". According to Steven Loupatty, the Issuance of Land Rights Certificates through PRONA (*National Project*), is not determined by the status of the original land, but is a method of land certification with a fast process and low cost, because it receives subsidies from the government, as regulated in the Jurisprudence of the Supreme Court of the Republic of Indonesia. Number. 4540 K/Pdt/1998 dated 26-09-2000. Legal protection in Agrarian Law is based on the provisions contained in Article 3 letter (a) Government Regulation no. 24 of 1997 concerning Land Registration, states that: "to realize legal certainty

¹² Ahmad Rifai, *Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif* (Jakarta: Sinar Grafika, 2011), p. 104.

¹³ Mertokusumo, *Hukum Acara Perdata Indonesia. Op. Cit.* p. 108.

and legal protection for owners of land rights and apartment units and other registered rights so that they can easily prove that they are the owners of land rights." Furthermore, in the provisions of Article 4 paragraph (1) Government Regulation no. 24 of 1997 also states that, in the context of realizing legal certainty and legal protection as referred to in the provisions of Article 3 letter (a), the owner of the land right in question is given a certificate of land right. Land title certificate is a proof of ownership of a plot of land that functions in the field of legal evidence as a strong proof, by having a land title certificate, the land owner can easily prove it.

Basically, the judge's internal obstacles in creating legal certainty, justice and benefit, based on the findings that were held, consisted of the following:

a. Mastery of the science of law

Ideally, judges must master the development of legal science. Mastery of legal science is something that cannot be ignored by judges in carrying out their daily duties. This is also related to the implementation of the selection of prospective judges, namely to prevent the escape of prospective judges who do not have quality in mastering legal knowledge. To achieve this, judges must master technical legal theories, such as interpretation and legal construction which in principle provide space for judges to find the law in a case being examined and motivate judges not to be fixated on the sound of the provisions of the articles. Article death a rule of law. Even in the context of deciding a case by a judge, it is also known as *contra legem*, namely a mechanism that allows judges to deviate from a provision that clearly contradicts the community's sense of justice. Such actions have also been legally legitimized by Law 48 of 2009, which in principle mandates judges to explore the legal values that exist in society so that decisions made can fulfill the existing sense of community justice.

A qualified judge's decision demands a combination of knowledge in mental energy, emotional energy, and spiritual energy. Optimizing the mastery of science in these energies will touch the mind, feelings, and beliefs, so it is not surprising that many state that the judge's decision must be based on the judge's belief.

Based on the research data, it was found that various controversies in legal decisions and considerations that are not based on existing facts and are not in accordance with applicable law, are the main shortcomings in the knowledge of judges. Likewise, in deciding cases, judges are only guided by the law without looking at existing developments. Even though there are so many laws and regulations in the field of judicial power that have been completed by the Supreme Court through Supreme Court circulars, Supreme Court decisions, jurisprudence, and joint decisions with other institutions. It is time that the old paradigm which states that judges are just mouths or mouthpieces of the law, must be immediately changed to the paradigm that judges are able to give meaning through legal discovery or legal construction in forms of interpretation, even creating new laws through their decisions.

b. Judge's Morale

Judges must have professional abilities as well as high morals and integrity in order to be able to reflect a sense of justice, provide benefits and legal certainty. In addition, judges must have the ability to communicate and carry out their roles and status that can be accepted by the community, judges must also have good faith and piety.

In addition, the judge's responsibility is heavy because he must be responsible to God Almighty, himself, the parties, society, higher courts and legal knowledge. As stated in the

final report of the National Law Commission of the Republic of Indonesia in 2003¹⁴, it is stated that as a legal profession, it is always required to develop oneself based on common morality, which consists of the following: (1) human values, in the sense of respect for the nobility of human dignity; (2) the values of justice, in the sense of encouragement to always give people what they are entitled to; (3) the values of propriety or fairness, in the sense that efforts to realize justice in society are always colored by the awareness to always pay attention to and take into account the rationality of the situation and the sense of individual justice of community members; (4) the values of honesty, in the sense of a strong urge to always maintain honesty and avoidance of fraudulent acts; (5) the obligation to have high quality of expertise and knowledge in the discipline of law for its bearers; (6) awareness to always respect and maintain the integrity and honor of the profession; (7) the values of service and the public interest, in the sense that in the development of the legal profession there has been a spirit of partiality to the rights and satisfaction of the justice-seeking community which is a direct consequence of the upholding of the values of justice, honesty, and professional credibility and science.¹⁵

Basically a strong moral personality, which must be owned by a judge is none other than honesty; being able to be yourself; responsible; have moral independence; have moral courage; and have humility.

c. Judge supervision system

Doner stated that there are at least three kinds of judges' supervision. First, legal supervision, which is a form intended to determine whether the authority has been carried out in accordance with applicable legal provisions. Second, administrative supervision, which is a form of supervision that aims to measure work efficiency. Third, political supervision, which is a form of supervision used to measure benefits.¹⁶

In terms of monitoring the behavior of judges, it is basically true that judges must be supervised by the leadership and also by an independent institution that has constitutional authority to do so. Internal supervision of judges is carried out by the Supreme Court as regulated by the Law on Judicial Power and the Law on the Supreme Court. Supervision of judges by the Supreme Court can be divided into two, namely supervision of supreme judges within the Supreme Court and supervision of judges at the courts of first instance and at the appellate level. Meanwhile, external supervision of judges' behavior carried out by the Judicial Commission is expected to cover the weaknesses of internal supervision carried out by the Supreme Court.

From the consideration of the Panel of Judges, if it is examined from Radbruch's opinion that the facts (facts) must be formulated in a clear way, so as to avoid mistakes in the meaning and besides that they must also be implemented, therefore the decision Number 242/Pdt.G/2020/PN .Amb against the lawsuit against the unlawful acts between Hana Marthina Leuhery against Betty Leuhery/Huliselan in accordance with the legal certainty aspired by the litigants, especially the defendants, the panel of judges in this case

¹⁴ Komisi Hukum Nasional Republik Indonesia, "Laporan Akhir: Standar Disiplin Profesi Tahun 2003" (Jakarta, 2004).

¹⁵ Fence M Wantu, "Peranan Hakim Dalam Mewujudkan Kepastian Hukum, Keadilan, Dan Kemanfaatan, Di Peradilan Perdata" (Universitas Gadjah Mada, 2011), p. 17.

¹⁶ Komisi Yudisial, "Mendorong Terwujudnya Kekuasaan Kehakiman Yang Merdeka," *Buletin Komisi Yudisial* 1, no. 5 (2007).

concludes to realize a legal certainty by observing and assessing both from the side based on the law as well as paying attention to the facts and reality.

In this case, the judge acts as an enforcer of justice, so legal considerations are very important in deciding a case. Thus, a basic conclusion can be drawn that "The judge's decision is the crown, culmination, and closing deed of the civil case process. Therefore, it is hoped that the judge's decision handed down should reflect the value of justice and truth based on the law so that it can be accepted, especially from both parties to the case and as far as possible avoid the emergence of new cases in the future and can be accounted for to justice seekers (yusticiabelen), the science of law itself, the conscience of judges and society in general, and for the sake of Justice Based on the One Godhead.¹⁷

4. CONCLUSION

From the results of the discussion described previously, the authors can conclude that: The judge's decision in the District Court Decision Number 242/Pdt.G/2020/PN.Amb was wrong and neglected to provide legal considerations as legal objectives, namely aspects of justice, aspects of expediency and aspects of legal certainty. In these aspects, the judge was wrong and wrong in considering the ownership of a plot of land with an area of 267 M2 with a Certificate of Ownership in the name of the Defendant, namely Hana Marthina Leuhery Number 1739/desa rumah three, 15-05-2011, Letter of Measurement dated 5 May 2011 according to PRONA from the national land agency, so that aspects of justice, aspects of usefulness and aspects of legal certainty are neglected.

REFERENCES

Journal Article

- A, Koesrin Nawawie. "Analisis Pertimbangan Majelis Hakim Dalam Perkara Perdata Tentang Wanprestasi Perjanjian Pemberian Imbalan Jasa." *Jurnal Varia Hukum* 31, no. 40 (2019): 1757-67.
- Komisi Yudisial. "Mendorong Terwujudnya Kekuasaan Kehakiman Yang Merdeka." *Buletin Komisi Yudisial* 1, no. 5 (2007).
- Nadapdap, Binoto. "Mendambakan Putusan Hakim Yang Berwibawa." *Jurnal Keadilan* 3, no. 2 (2003): 12-19.
- Syamsudin, M. "Rekonstruksi Perilaku Etik Hakim Dalam Menangani Perkara Berbasis Hukum Progresif." *Jurnal Hukum Ius Quia Iustum* 8, no. Edisi Khusus (2011): 127-45.
- Wantu, Fence M. "Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata." *Mimbar Hukum* 25, no. 2 (2013): 205-18.

Book

- Algra, N E, and K Van Duyvendijk. *Mula Hukum: Beberapa Bab Mengenai Hukum Dan Ilmu Hukum Untuk Pendidikan Hukum Dalam Pngantar Ilmu Hukum*. Translated by J C T Simorangkir. Jakarta: Bina Cipta, 1983.
- Dimiyati, Khudzaifah. *Teorisasi Hukum Studi Tentang Perkembangan Pemikiran Hukum Di Indonesia 1945-1990*. Surakarta: Muhammadiyah University Press, 2004.

¹⁷ Koesrin Nawawie A, "Analisis Pertimbangan Majelis Hakim Dalam Perkara Perdata Tentang Wanprestasi Perjanjian Pemberian Imbalan Jasa," *Jurnal Varia Hukum* 31, no. 40 (2019): 1757-67.

- Mertokusumo, Sudikno. *Hukum Acara Perdata Indonesia*. Yogyakarta: Liberty, 1998.
- — —. *Mengenal Hukum: Suatu Pengantar*. Yogyakarta: Liberty, 2010.
- Rahardjo, Satjipto. *Ilmu Hukum*. Bandung: Citra Aditya Bakti, 2000.
- Rahardjo, Satjipto, and Riduan Syahrani. *Rangkuman Intisari Ilmu Hukum*. Bandung: Citra Aditya Bakti, 1999.
- Rifai, Ahmad. *Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif*. Jakarta: Sinar Grafika, 2011.
- Wignyosoebroto, Soetandyo. *Hukum Paradigma, Metode Dan Dinamika Masalahnya, Elsam Dan Huma*. Jakarta: Elsam dan Huma, 2002.

Thesis, Web Page, and Others

- Komisi Hukum Nasional Republik Indonesia. "Laporan Akhir: Standar Disiplin Profesi Tahun 2003." Jakarta, 2004.
- Wantu, Fence M. "Peranan Hakim Dalam Mewujudkan Kepastian Hukum, Keadilan, Dan Kemanfaatan, Di Peradilan Perdata." Universitas Gadjah Mada, 2011.