

From Legal Certainty to Procedural Justice: Reconstructing the Philosophy of Indonesian Procedural Law

Deny Guntara 

Muhamad Abas 

Universitas Buana Perjuangan Karawang, Indonesia

 deny.guntara@ubpkarawang.ac.id

Abstract

Procedural law plays a crucial role in ensuring that law enforcement is not only conducted in an orderly and legally certain manner but also operates fairly for all parties involved. Indonesian procedural law has long demonstrated a strong orientation toward *legal certainty*, reflected in its emphasis on jurisdiction, procedural requirements, limitation periods, evidentiary rules, legal remedies, and the finality of judicial decisions. Such certainty remains indispensable; however, compliance with procedural rules does not necessarily correspond to fairness in the legal process. This study aims to analyze the dominance of the *legal certainty* paradigm in the construction of Indonesian procedural law and to reconstruct its underlying philosophy toward a stronger orientation to *procedural justice*. The study employs a normative-doctrinal legal research method using statutory, philosophical, conceptual, case, and comparative approaches. The analysis examines developments in Indonesian criminal and civil procedural law, relevant judicial decisions, Gustav Radbruch's conception of legal certainty, justice, and utility, Tom R. Tyler's theory of *procedural justice*, and the concept of *justice as fairness*.

The findings demonstrate that legal certainty remains an essential foundation for limiting the exercise of power and preserving procedural order, but it is insufficient unless accompanied by a meaningful opportunity to be heard, neutrality of decision-makers, a balanced position between the parties, and access to effective remedies. The novelty of this study lies in the construction of a procedural justice-oriented model of procedural law, built upon four elements: *procedural clarity*, *meaningful participation*, *procedural impartiality*, and *effective remedy*. This reconstruction positions *legal certainty* not as the ultimate objective of procedural law, but as a foundation for a judicial process that is more just, participatory, impartial, and effective.

Keywords

legal certainty; procedural justice; procedural law; procedural fairness; legal philosophy; effective remedy.

Introduction

Procedural law occupies a central position within the legal system because it is through procedure that rights granted by substantive law can be defended, examined, and restored.¹ An individual may possess a right under statutory law, yet that right loses much of its meaning if no fair procedure is available through which it can be asserted. Likewise, the State's authority to investigate, prosecute, adjudicate, or enforce judicial decisions cannot be justified solely by the existence of a legal basis. The exercise of such authority must operate within a process capable of ensuring legal certainty while simultaneously protecting individuals who are subject to the legal process. Procedural law should therefore not be understood merely as a collection of technical rules governing how a case is initiated, examined, decided, and enforced. It also raises a deeper philosophical question concerning how the legal system treats individuals throughout the process of seeking justice.²

¹ Daniel Peterson et al., "The Perils of Legal Formalism: Litigating Land Conflicts in Indonesia," *Journal of Contemporary Asia* 55, no. 3 (2025): 430–51, <https://doi.org/10.1080/00472336.2024.2440855>.

² Raimond Gaita, *A Common Humanity: Thinking About Love and Truth and Justice* (Taylor & Francis, 2025).

Indonesian procedural law has long placed legal certainty among its principal orientations.³ Certainty is necessary so that parties understand the jurisdiction of institutions, the procedures for initiating proceedings, applicable time limits, admissible forms of evidence, available legal remedies, and the point at which a judicial decision becomes legally binding. Without procedural certainty, the administration of justice risks becoming an unpredictable exercise of power. Gustav Radbruch situated legal certainty alongside justice and utility as fundamental legal values that must be considered together. His formulation demonstrates that legal certainty is essential, but it cannot serve as the sole criterion for evaluating the quality of a legal system.⁴

Problems arise when legal certainty is understood in an excessively formalistic manner. Compliance with procedural rules may be treated as sufficient evidence that a process has been fair, even though a legally valid procedure does not necessarily provide an equally fair experience for every person involved. An individual may be summoned in accordance with prescribed rules, granted the time allowed by statute, examined by a competent authority, and subjected to a legally valid decision, yet still suffer procedural disadvantage because of an inadequate opportunity to be heard, unequal access to evidence, an inability to understand the process, or the absence of an effective remedy. Such circumstances reveal a significant gap between procedural legality and procedural justice.⁵

³ Teguh Prasetyo, “Keadilan Bermartabat: Reconstructing Legal Authority in Indonesia,” *Cogito: Multidisciplinary Research Journal* 17 (2025): 122.

⁴ Schäfer Hans-Bernd and Ott Claus, *The Economic Analysis of Civil Law* (Edward Elgar Publishing, 2022).

⁵ Dorian Schaap and Elsa Saarikkomäki, “Rethinking Police Procedural Justice,” *Theoretical Criminology* 26, no. 3 (2022): 416–33, <https://doi.org/10.1177/13624806211056680>.

The concept of *procedural justice* provides a broader analytical perspective. Tom R. Tyler explains that an individual's acceptance of legal authority is not determined exclusively by the outcome received, but also by the manner in which that outcome is produced. The opportunity to express one's views, the neutrality of decision-makers, dignified treatment, and trust in the integrity of the process are important elements affecting the legitimacy of legal institutions. This framework shifts the central inquiry from "Have all procedural stages complied with the applicable rules?" to "Has the process provided those involved with a fair opportunity to participate?" This shift is significant because procedural law operates at the intersection between the exercise of State power and the concrete experience of those seeking justice.⁶

Recent developments in Indonesian law have made this question increasingly relevant. The reform of criminal procedure through Law No. 20 of 2025 on the Criminal Procedure Code, which entered into force on 2 January 2026, did more than replace the previous Criminal Procedure Code that had been in operation for more than four decades. The new legislation also strengthens the rights of suspects, defendants, convicted persons, witnesses, victims, and persons with disabilities; revises the regulation of coercive measures; strengthens pre-trial judicial review; and introduces or further regulates guilty pleas, *deferred prosecution agreements*, restorative justice, compensation, rehabilitation, restitution, and the role of legal counsel. These developments demonstrate that criminal procedural law is no longer positioned solely as an instrument for ensuring certainty and effectiveness in law enforcement. It is

⁶ Kathryn M. Young et al., "Access to Justice at the Intersection of Civil and Criminal Law," *Punishment & Society* 26, no. 4 (2024): 599–609, <https://doi.org/10.1177/14624745241240551>.

increasingly directed toward the protection of rights and the fairness of the legal process.⁷

This development is particularly significant from a philosophical perspective. Criminal procedural law has always operated within a tension between the State's interest in enforcing the law and the individual's need for protection against excessive exercises of public power. Certainty regarding the authority of investigators, prosecutors, judges, and the legal requirements governing arrest, detention, search, or seizure remains indispensable. Yet certainty concerning the existence of authority does not in itself answer whether the individual subjected to that authority has been afforded an adequate opportunity to defend his or her interests. The strengthening of procedural rights and judicial control in the new Criminal Procedure Code reflects an increasing need to connect procedural legality with the actual quality of justice experienced by the parties.⁸

Debate surrounding the new Criminal Procedure Code also reached the Constitutional Court soon after its enactment in 2026. Several provisions were challenged in relation to the protection of advocates, legal assistance, official records of examination, and other aspects of criminal proceedings. One strand of debate illustrates that legal certainty is not merely concerned with clearly defining the scope of professional authority, but also with ensuring that mechanisms protecting citizens' rights to legal assistance operate effectively. These

⁷ Giga Abuseridze and Goga Kikilashvili, "The Role of the Judiciary in the Modern Legal State and Its Interaction With Domestic and International Law," in *Globalization, Global Security, and New International Realities for Modern Democracies* (IGI Global Scientific Publishing, 2025), <https://doi.org/10.4018/979-8-3373-1355-9.ch002>.

⁸ Muhamad Yofhan Wibianto et al., "Real Justice, Real Impact with the Prosecutors in Action," *Journal of Human Rights, Culture and Legal System* 5, no. 3 (2025): 1015–41, <https://doi.org/10.53955/jhcls.v5i3.804>.

developments demonstrate that even after a new codification has been enacted, questions of procedural law cannot be resolved solely through the clarity of statutory wording. Issues concerning access, rights protection, and procedural fairness remain central to the continuing search for a more just procedural framework.⁹

Civil procedural law presents a different institutional problem. Indonesia has yet to adopt a single comprehensive national civil procedure code capable of replacing the various provisions originating from the HIR, RBg, and other sector-specific regulations. The Supreme Court itself has recognized the need for a national civil procedure framework because the existing rules remain fragmented, while judicial practice has evolved through mechanisms such as small-claims proceedings, electronic courts, and increasing demands for more effective enforcement procedures. In January 2026, the House of Representatives and the Government agreed that the Civil Procedure Bill would become an initiative of the House, and the bill was included in the 2026 priority legislative agenda.

The momentum toward the establishment of a national civil procedure code provides an opportunity to reconsider the philosophical foundations on which the system should be built. Codification should not be limited to consolidating dispersed procedural rules into a single statute. Reform must also consider whether the proposed procedures genuinely strengthen the position of those seeking justice. The draft civil procedure framework currently under discussion addresses issues

⁹ Tristam Pascal Moeliono and Aris Hardinanto, “Comparative Study of Judicial Pardon in the Substantive Criminal Law and Criminal Procedure Law of the Netherlands and Indonesia: Note to the Draft Criminal Procedure Code,” *Kosmik Hukum* 25, no. 2 (2025): 287–303, <https://doi.org/10.30595/kosmikhukum.v25i2.26047>.

such as expedited examination, *e-court*, *e-litigation*, facilities for persons with disabilities and vulnerable groups, and enforcement of judgments. These issues demonstrate that procedural reform is beginning to move beyond procedural order toward questions of accessibility, effectiveness, and fairness.¹⁰

The enforcement stage provides one of the clearest illustrations of the tension between legal certainty and justice. A final and binding judicial decision requires certainty so that it can be effectively enforced. Without enforcement, judicial victory results only in certainty on paper. The problem becomes more complex, however, when enforcement may affect the rights of third parties who were not involved in the original proceedings. Constitutional Court Decision No. 63/PUU-XXIII/2025 illustrates this issue. The applicant challenged the execution of a seizure that allegedly affected land belonging to him even though he had not been a party to the underlying dispute. The Constitutional Court dismissed the application, but its reasoning nevertheless highlighted the need to balance enforcement of judgments, legal certainty, the rights of litigants, and the rights of third parties.¹¹

In that case, the Constitutional Court affirmed that the head of the court possesses a degree of discretion in the enforcement process, but emphasized that such discretion must be exercised in a measured, consistent, and accountable manner based on legal certainty, justice, utility, and humanity. The Court also stressed the importance of caution

¹⁰ Lita Tyesta Addy Listya Wardhani et al., “The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal Systems,” *Cogent Social Sciences* 8, no. 1 (2022): 2104710, <https://doi.org/10.1080/23311886.2022.2104710>.

¹¹ Faisal et al., “Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code,” *Cogent Social Sciences* 10, no. 1 (2024): 2301634, <https://doi.org/10.1080/23311886.2023.2301634>.

to ensure that enforcement measures do not prejudice persons who should not properly be subjected to the judgment. This reasoning is philosophically significant because it demonstrates that certainty arising from a final and binding decision cannot be implemented mechanically. Legal enforcement continues to require an assessment of the fairness of the process through which the decision is executed.¹²

The case further demonstrates that *legal certainty* and *procedural justice* should not be treated as mutually exclusive values. Legal certainty remains necessary to ensure that disputes reach an end, judgments can be enforced, and the exercise of institutional authority remains predictable. Procedural justice, by contrast, ensures that the pursuit of certainty does not sacrifice an individual's opportunity to be heard, defend rights, or make effective use of legal remedies. The principal problem, therefore, is not legal certainty itself, but the tendency to treat certainty as the ultimate objective without evaluating the quality of the process through which decisions are produced and enforced.¹³

Judicial performance data further reinforce the importance of this perspective. The Supreme Court reported that more than three million cases were handled across all branches of the judiciary in 2025, with 97.11 percent resolved within the prescribed time limits. Such achievements reflect substantial institutional capacity and are important for maintaining certainty in case resolution. Nevertheless, clearance rates and timeliness cannot serve as the sole indicators of judicial quality.

¹² Arpangi Arpangi et al., "Resolution of Industrial Relations Disputes in Court Rulings and the Fair Fulfillment of Workers' Rights in Indonesia: An Islamic Legal Perspective," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 51–62, <https://doi.org/10.31958/juris.v24i1.13423>.

¹³ Sofia Ranchordás, "Experimental Regulations and Regulatory Sandboxes: Law without Order?," *Law and Method* 2021 (2021), <https://doi.org/10.5553/REM/.000064>.

Statistics showing the number of completed cases do not reveal whether litigants felt adequately heard, received sufficient information, possessed a reasonably balanced capacity to participate, or were actually able to benefit from the judgments they obtained. Efficiency is an important component of judicial administration, but legal legitimacy also depends on the fairness of the process.¹⁴

These developments raise a more fundamental philosophical question concerning the purpose of procedural law. Is procedural law primarily designed to ensure order and certainty in legal proceedings, or does it also bear responsibility for producing processes that are substantively fair? This question is significant because procedure is not value-neutral. Decisions regarding who has the right to be heard, who bears the burden of proof, when a claim is considered time-barred, how coercive measures are controlled, when a judgment may be enforced, and how vulnerable parties obtain assistance necessarily reflect particular views of the individual, public power, and justice.¹⁵

The concept of *procedural justice* provides a basis for placing individuals at the centre of procedural law, rather than treating them merely as objects of procedural administration. A person who loses a case has not necessarily experienced injustice if he or she has genuinely been afforded an equal opportunity to explain a position and receive a decision from a neutral institution. Conversely, a person who formally obtains a favourable judgment may nevertheless experience unfair treatment where the process is closed, fails to provide a meaningful

¹⁴ Kevin Burke and Steve Leben, "Procedural Fairness: A Key Ingredient in Public Satisfaction," *Court Review* 60 (2024): 6.

¹⁵ Wessel Reijers et al., "Now the Code Runs Itself: On-Chain and Off-Chain Governance of Blockchain Technologies," *Topoi* 40, no. 4 (2021): 821–31, <https://doi.org/10.1007/s11245-018-9626-5>.

opportunity to be heard, or does not provide reasons that can be understood. Fairness of process therefore possesses a value that is relatively independent of the substantive outcome.¹⁶

This perspective is consistent with the concept of *justice as fairness*, which emphasizes fairness in institutional structures as an essential component of justice. Justice cannot be assessed only after the distribution of outcomes has been completed. The rules structuring the process must themselves be capable of normative justification. Procedural law therefore performs a philosophical function by ensuring that power is not exercised merely because legal authority exists, but through mechanisms that allow those affected by such authority to participate in and challenge its exercise.¹⁷

Another significant problem lies in the fragmentation of discourse on procedural law in Indonesia. Scholarship on criminal procedure generally focuses on the legality of coercive measures, evidentiary issues, the rights of suspects, pre-trial review, or institutional authority. Scholarship on civil procedure more frequently addresses jurisdiction, claims, evidence, legal remedies, or enforcement. Such approaches remain necessary for understanding the specific problems of each field, but they are insufficient for identifying the broader philosophical principles connecting them. Criminal and civil procedure govern different subject matters, yet both confront similar questions

¹⁶ Alexander C. Wagenaar et al., *Legal Epidemiology: Theory and Methods* (John Wiley & Sons, 2023).

¹⁷ M. Yasir Said and Yati Nurhayati, "A Review On Rawls Theory Of Justice," *International Journal of Law, Environment, and Natural Resources* 1, no. 1 (2021): 29–36, <https://doi.org/10.51749/injurlens.v1i1.7>.

concerning fairness, participation, impartiality, the balance between parties, access to information, and the effectiveness of remedies.¹⁸

The research gap addressed by this study lies in the limited scholarship that reconstructs Indonesian procedural law across different procedural fields through a shift in orientation from the dominance of *legal certainty* toward *procedural justice*. Existing studies of legal certainty tend to assess the quality of procedure through the clarity of legal norms, institutional competence, time limits, and consistency of application. Studies of justice, meanwhile, frequently focus on the substantive correctness or fairness of judicial outcomes. What remains insufficiently examined is how fairness of process should be recognized as an independent legal value alongside certainty, so that procedural law can be assessed not only by its compliance with formal rules but also by the quality of the opportunities it provides to individuals throughout the legal process.¹⁹

This theoretical gap has become particularly important as Indonesia enters a period of major procedural reform. The new Criminal Procedure Code is already in force, while a national civil procedure code is currently being developed. This moment provides an opportunity to pursue a reconstruction that extends beyond technical or legislative reform. The enactment or amendment of procedural law should be preceded by a fundamental question concerning the philosophy that is to serve as its foundation. Without such a foundation, reform risks merely replacing old statutory provisions with new ones

¹⁸ Safarian Hasan and Shidaeiyan Arani Mahdi, *Ethics and Law: The Place of Fairness in Fair Proceedings*, 5, no. 4 (2024): 15–25.

¹⁹ Agus Widjajanto et al., “Decolonising Restorative Justice in Indonesia: A Comparative Study across Customary Law Traditions,” *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 470–92, <https://doi.org/10.22219/ljih.v33i2.40481>.

without changing the way the legal system understands and treats those seeking justice.²⁰

The novelty of this study lies in the development of the concept of procedural justice-oriented procedural law, namely a construction of procedural law that does not abandon legal certainty but instead repositions it as one component of a broader conception of a fair process. This reconstruction is built upon four principal elements: procedural clarity, referring to the clarity of procedural rules and institutional authority; meaningful participation, referring to a genuine opportunity to be heard and defend one's interests; procedural impartiality, referring to guarantees of neutrality and a fair balance between parties; and effective remedy, referring to the practical ability to obtain legal protection and enjoy the benefits of judicial decisions. These four elements are intended to connect legal certainty with procedural justice without artificially placing the two in opposition.

The shift from *legal certainty* toward *procedural justice* therefore does not imply abandoning legal certainty. Rather, the proposed orientation seeks to place certainty in a more proportionate position. Procedures must be sufficiently clear to prevent arbitrary exercises of authority, but procedural clarity must also serve fairness. Time limits are necessary, but they should not disproportionately restrict access to justice. Finality of judgments is important, but enforcement must continue to respect the rights of affected persons. Institutional authority is necessary, but its exercise must remain open to scrutiny. Judicial efficiency is important, but it should not eliminate the meaningful opportunity of parties to be heard.

²⁰ Mariame Kaba, *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice* (Haymarket Books, 2021).

Against this background, this study examines how the dominance of the *legal certainty* paradigm has shaped Indonesian procedural law and how the philosophy of procedural law can be reconstructed through the perspective of *procedural justice*. The proposed reconstruction seeks to conceptualize procedure not merely as a technical pathway toward a judicial decision, but as a legal space in which the State demonstrates the quality of its commitment to justice. A sound system of procedural law is not merely one capable of producing decisions with certainty and efficiency. It is one in which every exercise of legal authority can be understood, questioned, reviewed, and held accountable through a fair process.

Method

This study employs a normative-doctrinal legal research method with philosophical and prescriptive orientations. This methodological choice reflects the objective of examining the underlying ideas that shape Indonesian procedural law and reconstructing its orientation from the dominance of legal certainty toward procedural justice. The research does not stop at identifying applicable legal norms but evaluates the values, principles, and objectives underlying the formation and implementation of procedural law. A prescriptive orientation is adopted to formulate a philosophical model of procedural law capable of reconciling legal certainty with *procedural justice*.²¹

A statutory approach is employed to examine the normative structure of Indonesian procedural law, particularly Law No. 20 of 2025 on the Criminal Procedure Code, civil procedural rules that continue to

²¹ Rusdiyanto et al., "Company Profitability Is Influenced by Sales and Administration & General Costs: Evidence from Indonesia," *Journal of Legal, Ethical and Regulatory Issues* 24 (2021): 1.

derive from the HIR and RBg, various statutes governing special procedural regimes, and regulations concerning judicial administration and digitalization. This approach is used to assess how procedural certainty is constructed through rules governing institutional authority, limitation periods, evidence, the rights of the parties, legal remedies, and the enforcement of judicial decisions.

A philosophical approach is used to examine the fundamental values underlying the orientation of procedural law. Legal certainty is analyzed through Gustav Radbruch's conception of the relationship between legal certainty, justice, and utility. The concept of *procedural justice* is employed to evaluate the quality of legal processes on the basis of the opportunity to be heard, neutrality of decision-makers, dignified treatment, procedural transparency, and trust in legal institutions. Tom R. Tyler's theory provides one of the principal foundations for explaining that legal legitimacy is determined not only by the substantive outcome of a judicial decision but also by the fairness of the process through which that decision is produced. The perspective of *justice as fairness* is likewise employed to strengthen the analysis of the importance of fair procedural structures for the parties involved.

A conceptual approach is employed to clarify and distinguish several concepts that are frequently used interchangeably, including *legal certainty*, *procedural legality*, *procedural justice*, *fair trial*, *access to justice*, *equality of arms*, and *effective remedy*. Such conceptual differentiation is necessary to demonstrate that compliance with procedural rules does not necessarily amount to procedural justice. Conceptual analysis is also used to develop a new framework referred to as procedural justice-oriented procedural law, namely a construction of procedural law that

continues to provide legal certainty while placing fairness of process at the centre of its normative orientation.²²

A case approach is used to examine how tensions between legal certainty and procedural justice emerge in judicial practice. Decisions of the Constitutional Court, the Supreme Court, and other relevant courts are purposively selected on the basis of their relevance to access to justice, the right to be heard, procedural time limits, coercive measures, evidentiary issues, legal assistance, the finality of judgments, and enforcement. Particular attention is given not only to the operative parts of judicial decisions but also to the *ratio decidendi* and judicial reasoning concerning legal certainty, justice, rights protection, and procedural effectiveness. Judicial decisions issued following major procedural reforms during the 2025–2026 period are examined to identify the most recent direction of Indonesian procedural law.²³

A comparative approach is employed in a limited and functional manner to obtain broader perspectives on the application of *procedural justice* in other legal systems. The comparative analysis is not intended to transplant foreign legal models directly into Indonesia but to identify principles that may serve as evaluative benchmarks. Concepts such as *fair trial*, *equality of arms*, *meaningful participation*, *judicial control*, and *effective remedy*, as developed in various jurisdictions and international instruments, are used comparatively to assess the structure of Indonesian procedural law.²⁴

²² Luthfia Rahmadani and Wahidin Wahidin, “Beyond Procedural Correctness: Legal Formalism and the Search for Justice in Indonesian Criminal Law,” *Rule of Law Studies Journal* 1, no. 4 (2025): 213–21, <https://doi.org/10.64780/rolsj.v1i4.168>.

²³ James Kirunda et al., “Legal Pluralism in Postcolonial Nations: Reconciling Customary, Religious, and State Norms in Judicial Practices,” *Rechtsnormen: Journal of Law* 3, no. 3 (2025): 148–57, <https://doi.org/10.70177/rjl.v3i3.2217>.

²⁴ Francis Pakes, *Comparative Criminal Justice* (Taylor & Francis, 2024).

The legal materials used in this study consist of primary, secondary, and supporting legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, legislation governing criminal and civil procedure, Constitutional Court decisions, Supreme Court decisions, and relevant international instruments. Secondary legal materials include articles published in reputable international journals, accredited national journals, books, monographs, and previous studies concerning legal philosophy, procedural law, *procedural justice*, *legal certainty*, *fair trial*, and *access to justice*. Recent literature is prioritized in order to capture contemporary developments, while classical works are retained where they remain foundational to the theories and concepts examined.

The legal materials are analyzed qualitatively through several stages. The first stage identifies the orientation toward legal certainty embedded within the structure of Indonesian procedural law. The second classifies procedural problems according to major themes, including access to legal proceedings, the opportunity to be heard, the balance between parties, transparency, control over the exercise of authority, the effectiveness of remedies, and the enforcement of judgments. The third stage evaluates these issues using theories of legal certainty and *procedural justice*. The fourth compares the findings with principles of procedural justice developed in international legal scholarship and practice. The final stage employs a prescriptive-reconstructive analysis to formulate a renewed philosophical orientation for Indonesian procedural law.²⁵

²⁵ John Roldan Torres, “Navigating Legal Knowledge: A Comparative Analysis of Quantitative, Qualitative, Applied, and Descriptive Research Methodologies in Law,” SSRN Scholarly Paper no. 5258015 (Social Science Research Network, May 17, 2025), <https://doi.org/10.2139/ssrn.5258015>.

The proposed reconstruction is built upon four principal elements. First, procedural clarity, referring to clarity regarding legal rules, institutional authority, procedural stages, and legal consequences. Second, meaningful participation, referring to a genuine opportunity for affected parties to obtain information, present their views, challenge opposing arguments, and defend their interests. Third, procedural impartiality, referring to guarantees of institutional neutrality and balanced procedural opportunities between the parties. Fourth, effective remedy, referring to the availability of remedial mechanisms that are not only formally recognized by law but can also be practically accessed and produce effective results. These four elements form the basis of the proposed model of procedural justice-oriented procedural law as a philosophical foundation for the reform of Indonesian procedural law.

Result And Discussion

1. The Dominance of Legal Certainty in the Construction of Indonesian Procedural Law

Indonesian procedural law has long been constructed around the need to establish order, predictability, and clear limits on the exercise of legal authority. Such certainty is necessary because judicial proceedings do not merely concern abstract legal interests; they also directly affect individual liberty, property, dignity, and fundamental rights. Without clear procedural rules, law enforcement can easily shift into an unrestrained exercise of authority. Rules determining which institutions have jurisdiction, how particular legal measures may be undertaken, when procedural rights may be exercised, what evidence may be

presented, and which legal remedies are available therefore constitute essential components of the justice system ²⁶.

The orientation toward legal certainty is particularly evident in criminal procedural law. The State possesses substantial authority through investigators, prosecutors, and judges to undertake measures capable of restricting individual liberty. Arrest, detention, search, seizure, examination, and prosecution may only be conducted on the basis of legally prescribed procedures. The reform introduced through Law No. 20 of 2025 on the Criminal Procedure Code continues to preserve this fundamental requirement. Procedural certainty remains necessary to prevent the exercise of State power from becoming arbitrary.²⁷

Civil procedural law reflects a similar pattern, although the relationship between the parties differs from that found in criminal proceedings. Rules concerning court jurisdiction, the filing of claims, service of process, evidence, legal remedies, the binding force of judgments, and enforcement demonstrate how procedure transforms conflict into an orderly legal process. Procedural certainty enables parties to anticipate the course of proceedings and understand the legal consequences of the actions they take throughout the litigation process.²⁸

Gustav Radbruch positioned legal certainty as one of the fundamental values of law alongside justice and utility. Certainty is required to provide orientation to society and to place limits on State

²⁶ Daniel Lev, *Legal Evolution and Political Authority in Indonesia: Selected Essays* (BRILL, 2021).

²⁷ Mariia Dmytriieva, “The Peculiarities Of Legal Certainty In Criminal Proceedings: Theoretical And Legal Aspects,” *Baltic Journal of Legal and Social Sciences*, no. 3 (2021): 59–67, <https://doi.org/10.30525/2592-8813-2021-3-6>.

²⁸ Nicole Summers, “Civil Probation,” *Stanford Law Review* 75 (2023): 847.

authority. Radbruch, however, did not regard certainty as the sole objective of law. Law must also be assessed according to its capacity to realize justice and social utility. The relationship among these three values demonstrates that a sound system of procedural law cannot be evaluated solely by whether procedural stages operate in an orderly manner.²⁹

Problems arise when legal certainty is interpreted in an excessively formalistic way. A process may be regarded as satisfactory merely because every procedural stage has technically complied with applicable rules. Provided that the official has jurisdiction, the prescribed time limits are observed, the documents are complete, and a legally competent institution issues the decision, the process may be regarded as legally complete. Such an approach risks reducing procedural law to a set of administrative formalities.

Compliance with legal rules is undoubtedly important, but it is not always synonymous with justice. A person may be lawfully summoned without genuinely understanding the proceedings faced. A suspect may be formally detained in accordance with statutory requirements while lacking adequate access to legal assistance. A litigant may formally be permitted to submit evidence yet lack an equal practical ability to obtain the evidence required. These examples demonstrate that procedural legality and procedural justice do not necessarily coincide.³⁰

²⁹ Mutia Evi Kristhy et al., “The Role of Judges in Realizing the Three Basic Legal Values Reviewed from Gustav Radbruch’s View,” *Journal of Political And Legal Sovereignty* 1, no. 3 (2023): 88–92, no, <https://doi.org/10.38142/jpls.v1i3.81>.

³⁰ Lucy Welsh, *Access to Justice in Magistrates’ Courts: A Study of Defendant Marginalisation* (Bloomsbury Publishing, 2022).

Radbruch's framework helps explain this tension. Legal certainty remains indispensable because procedure would otherwise lose predictable boundaries. Yet certainty must be evaluated alongside justice and utility. A highly predictable procedure that effectively prevents a person from defending his or her rights does not fully satisfy the purposes of law. Likewise, an exceptionally efficient procedure cannot be regarded as ideal if its speed diminishes a party's meaningful opportunity to be heard.

Legal certainty should therefore be positioned as a foundation rather than the ultimate objective of procedural law. Its primary function is to ensure that the exercise of power is legally constrained, that parties understand their rights, and that judicial processes remain predictable. Beyond this foundation, procedural law must also ensure that those rules create fair opportunities for every individual involved. This conceptual shift provides the starting point for moving Indonesian procedural law from the dominance of *legal certainty* toward *procedural justice*.

2. From Procedural Legality to Procedural Justice

The distinction between *procedural legality* and *procedural justice* is essential to explaining a broader transformation in the understanding of procedural law. Procedural legality evaluates whether an act complies with applicable legal rules. Procedural justice goes further by examining whether the process affords the affected parties a fair, balanced, and dignified opportunity to participate. A measure may satisfy formal legal requirements while nevertheless producing an experience of injustice if

the person affected is not provided with an adequate opportunity to explain a position, challenge allegations, or defend legal rights.³¹

Criminal procedure offers the clearest illustration because the relationship between the State and the accused is never genuinely equal. The State possesses law enforcement institutions, coercive powers, investigative authority, and access to extensive resources. Suspects and defendants occupy a far more limited position. Rights to legal assistance, to be informed of the accusation, to remain silent, to challenge evidence, to contest official actions, and to receive an independent examination are therefore fundamental. These rights are not merely supplementary procedural guarantees; they operate as mechanisms for ensuring that State authority remains subject to effective control.³²

The reform of the Criminal Procedure Code reflects an increasing tendency to strengthen this orientation. More explicit regulation of the rights of suspects, defendants, victims, witnesses, advocates, and mechanisms of control over the exercise of authority demonstrates that criminal procedure can no longer be understood merely as an instrument for facilitating law enforcement. Procedure must also function as a means of protecting persons confronted with the coercive authority of the State.³³

Comparable problems arise in civil procedure. Although civil litigants are formally positioned as equal legal subjects, their actual

³¹ Jonathan Jackson et al., “Centering Race in Procedural Justice Theory: Structural Racism and the under- and Overpolicing of Black Communities,” *Law and Human Behavior* (US) 47, no. 1 (2023): 68–82, <https://doi.org/10.1037/lhb0000524>.

³² Michael King, *The Framework of Criminal Justice* (Taylor & Francis, 2023).

³³ V. Horbalinskiy et al., *Modalities of Protection of the Rights of Individuals According to the Administrative-Procedural Order and in Legal-Administrative Procedures*, 2023, <https://doi.org/10.46398/cuestpol.4178.06>.

circumstances may differ considerably. One party may possess greater economic resources, superior access to legal representation, greater control over relevant documents, or a more sophisticated understanding of litigation. Identical procedural rules do not necessarily eliminate these underlying disparities.

Tom R. Tyler's concept of *procedural justice* provides a valuable framework for addressing this problem. Tyler emphasizes that justice is not determined solely by who wins or loses. The manner in which the process is conducted also shapes whether individuals perceive legal authority as legitimate and trustworthy. Opportunities to express one's position, neutrality of decision-makers, respectful treatment, and confidence in the integrity of the process are all central components of procedural legitimacy.³⁴

The opportunity to be heard, or *voice*, constitutes an essential element of procedural justice. Litigants must genuinely be given space to present their position rather than merely being formally permitted to attend proceedings. The right to be heard loses substantive meaning if a party's arguments are not meaningfully considered or if proceedings are conducted in a manner that is too opaque to be understood.

Neutrality is equally important. Judges and other decision-makers must demonstrate that decisions are not the product of prejudice, personal interest, or external pressure. Neutrality requires reasoning that can be understood, examined, and challenged. A decision that merely announces an outcome without adequately explaining its reasoning is less likely to be perceived as procedurally fair.

³⁴ Alexander C. Wagenaar et al., *Legal Epidemiology: Theory and Methods* (John Wiley & Sons, 2023).

Dignified treatment also forms part of procedural justice. Individuals should not be treated merely as objects of legal administration. The manner in which officials explain rights, provide information, summon parties, accommodate vulnerable groups, and respond to objections forms part of the legal experience that influences public trust in judicial institutions.

Trust in legal institutions does not arise solely from their formal authority. It develops where individuals perceive that proceedings are transparent, predictable, neutral, and provide adequate opportunities to defend their interests. Legal legitimacy therefore depends not only on *legal authority* but also on *procedural fairness*.

The concept of meaningful participation is particularly important in this context. Meaningful participation requires that individuals understand the proceedings in which they are involved, know their rights, have access to relevant information, are capable of presenting arguments, and are afforded an opportunity to challenge evidence. Mere physical or formal presence is insufficient where a party cannot effectively participate.

The development of electronic justice must also be evaluated through this framework. Digitalization can accelerate proceedings and broaden access, but technology does not automatically produce justice. Electronic proceedings must still take into account the parties' ability to use digital systems, access to technological infrastructure, the quality and comprehensibility of information, and their ability to communicate effectively with the court.

The shift from *procedural legality* toward *procedural justice* therefore does not mean abandoning legal rules. Rules remain indispensable as the foundation of fair procedure. The difference lies in how procedural

success is evaluated. Success should no longer be measured only by whether the applicable rules have been formally followed, but also by whether those involved have genuinely been afforded a fair opportunity throughout the process.

3. Reconstructing the Philosophy of Indonesian Procedural Law through Procedural Justice

The reform of Indonesian procedural law should not stop at replacing statutory provisions or reorganizing procedural stages. More fundamental reform must address the philosophy underlying the judicial process itself. The new Criminal Procedure Code provides an opportunity to reconsider the relationship between State authority and individual rights. The ongoing reform of civil procedural law likewise creates an opportunity to establish a more integrated system responsive to contemporary social and legal needs.³⁵

Procedural law has traditionally been understood as an instrument for enforcing substantive law. Although this understanding is correct, it does not fully capture the broader function of procedure. Procedural law also determines how the State exercises authority, how parties are treated, how conflicts are managed, and how justice is realized through institutional processes.³⁶

Reconstructing the philosophy of procedural law therefore requires a shift from mere procedural order toward fairness. Legal certainty should be preserved, but it should no longer operate as the sole criterion for evaluating the quality of procedure. Rather, certainty

³⁵ Ana Fauzia et al., “The Revitalization Of The Indonesian Legal System In The Order Of Realizing The Ideal State Law,” *Progressive Law Review* 3, no. 01 (2021): 12–25, <https://doi.org/10.36448/plr.v3i01.46>.

³⁶ Jutta Brunnée, *Procedure and Substance in International Environmental Law* (BRILL, 2021).

should function as one of the foundations upon which a fairer legal process is constructed.³⁷

This study proposes the concept of procedural justice-oriented procedural law. The concept is based on the proposition that a sound procedural system should connect clarity of legal rules, participation by affected parties, institutional neutrality, and the effectiveness of legal remedies. These elements are interdependent rather than isolated.

The first element is procedural clarity. Legal certainty requires procedural rules that can be understood by those subject to them. Rights, institutional authority, procedural stages, time limits, and legal consequences should be formulated with sufficient clarity so that parties can understand their legal position. Clarity also limits excessively broad discretion. At the same time, procedural clarity should not become so rigid that its application produces substantive unfairness.

The second element is meaningful participation. Every individual affected by a legal decision should be treated as an active subject of the process. Parties should understand what is being decided, have a genuine opportunity to present their views, be able to challenge evidence, obtain legal assistance where necessary, and understand the reasons underlying decisions. Meaningful participation reflects respect for individual autonomy and legal agency.³⁸

The third element is procedural impartiality. Judges must remain neutral regarding the outcome of a case while retaining responsibility

³⁷ Adam Ilyas et al., “Closing the Injustice Gap: Reconstructing Pre-Trial Proceedings as an Effective Remedy for Victims of Terminated Preliminary Inquiries: Menutup Celah Ketidakadilan: Rekonstruksi Praperadilan Sebagai Effective Remedy Bagi Korban Penghentian Penyelidikan,” *Jurnal Konstitusi* 22, no. 4 (2025): 736–76, <https://doi.org/10.31078/jk2247>.

³⁸ Karen Bell and Mark Reed, “The Tree of Participation: A New Model for Inclusive Decision-Making,” *Community Development Journal* 57, no. 4 (2022): 595–614, <https://doi.org/10.1093/cdj/bsab018>.

for ensuring that the process itself does not become structurally unbalanced. Neutrality should not be equated with passivity. A judge who permits one party to dominate proceedings merely because that party possesses substantially greater resources or access to information may allow procedural injustice to persist.

The principle of *equality of arms* can reinforce procedural impartiality. Parties need not possess identical economic or institutional circumstances, but neither should be placed at a substantial procedural disadvantage. Procedural law must ensure that each party has a reasonable opportunity to present a position and defend legitimate interests.³⁹

The fourth element is effective remedy. Procedural rights lose much of their meaning where no effective mechanism exists to correct violations. A person whose rights have been infringed must have access to a realistic means of redress. Likewise, a judgment rendered in favour of a party should be capable of effective enforcement. Remedies cannot remain merely symbolic or formally available.

The relationship between *legal certainty* and *procedural justice* should therefore not be framed as a conflict between mutually exclusive values. Legal certainty provides structure, while procedural justice determines the quality of that structure. Without certainty, legal processes risk becoming arbitrary. Without procedural justice, certainty risks

³⁹ Fardin Y. Khalilov and Халилов Фардин Яшар Оғлы, “Equality of arms’ in criminal procedure in the context of the right to a fair trial,” *RUDN Journal of Law* 25, no. 3 (2021): 602–21, <https://doi.org/10.22363/2313-2337-2021-25-3-602-621>.

becoming a formalistic framework that provides little practical protection.⁴⁰

Gustav Radbruch demonstrates that legal certainty must be understood together with justice and utility. Tom R. Tyler adds a dimension of legal legitimacy by emphasizing the importance of individuals' experience of legal procedures. The concept of *justice as fairness* further reinforces the proposition that procedural rules should be structured in a manner that can reasonably be accepted by those subject to them.⁴¹

A model of procedural law oriented toward *procedural justice* therefore asks broader questions than whether statutory procedures have technically been satisfied. It must also ask whether parties understand the process, whether they have a meaningful opportunity to be heard, whether they can challenge evidence, whether decisions are made by neutral institutions, and whether effective remedies remain available.

This shift changes the criteria by which procedural law should be evaluated. Efficiency and certainty remain important, but they cannot stand alone. The quality of the process must itself become a relevant measure of justice. A rapid procedure that fails to provide meaningful participation cannot be regarded as ideal. Likewise, a highly predictable procedure that prevents effective access to remedies cannot be considered fully just.

⁴⁰ Benjamin Hofbauer, "Normative Uncertainty in Solar Climate Engineering Research Governance," *Ethics, Policy & Environment* 27, no. 3 (2024): 451–70, <https://doi.org/10.1080/21550085.2023.2216148>.

⁴¹ Martin Borowski, "Gustav Radbruch's Theory of Legal Obligation," in *Theories of Legal Obligation*, ed. Deryck Beyleveld and Stefano Bertea (Springer International Publishing, 2024), https://doi.org/10.1007/978-3-031-54067-7_5.

The philosophy of Indonesian procedural law should therefore move from rule compliance toward fair process, from procedural legality toward procedural justice, and from the dominance of legal certainty toward a balance among certainty, participation, impartiality, and effective remedies.

This direction has become increasingly significant as Indonesia enters a major period of procedural reform. The opportunity should be used not merely to revise technical rules but also to develop a renewed understanding of the judicial process. Procedural law should be understood as the institutional space in which the State demonstrates that public power can be exercised both lawfully and fairly.

A sound system of procedural law is ultimately not merely one that produces judicial decisions quickly and with certainty. It is one that limits power, provides affected parties with meaningful opportunities to participate, safeguards institutional neutrality, and ensures access to effective remedies. Legal certainty remains indispensable, but its value becomes stronger when it operates as the foundation of a fair process.

The concept of procedural justice-oriented procedural law may therefore serve as a philosophical foundation for the reform of Indonesian procedural law. Under this framework, *legal certainty* provides structural stability; meaningful participation reflects respect for human agency; procedural impartiality safeguards fairness; and effective remedy ensures that procedural rights remain practically meaningful. This reconstruction seeks to guide Indonesian procedural law toward a system that is not only normatively certain but also experienced as fair by those who seek justice.

Conclusion

Indonesian procedural law has traditionally placed legal certainty among its principal orientations through clear rules governing institutional authority, procedural stages, time limits, evidentiary requirements, legal remedies, and the enforcement of judicial decisions. Such certainty remains essential because it limits the exercise of power and renders judicial proceedings more predictable. Nevertheless, compliance with procedural rules does not necessarily guarantee that the process experienced by the parties is genuinely fair. Procedural legality may be satisfied while meaningful opportunities to be heard, understand the proceedings, challenge evidence, receive balanced treatment, and obtain effective remedies remain insufficiently protected.

The philosophy of procedural law should therefore be reconstructed from the dominance of *legal certainty* toward *procedural justice* without abandoning legal certainty itself. Legal certainty should be positioned as the foundation of a fair process rather than as its ultimate objective. This study proposes the concept of procedural justice-oriented procedural law, constructed through four elements: *procedural clarity*, *meaningful participation*, *procedural impartiality*, and *effective remedy*. These elements demonstrate that an ideal system of procedural law is not merely one that is orderly and predictable, but one that also provides meaningful opportunities for participation, safeguards the neutrality and fairness of the process, and ensures access to effective remedies. The future reform of Indonesian procedural law should therefore move toward a system that guarantees not only normative certainty but also a genuine experience of justice for every person seeking legal protection.

References

- Abuseridze, Giga, and Goga Kikilashvili. “The Role of the Judiciary in the Modern Legal State and Its Interaction With Domestic and International Law.” In *Globalization, Global Security, and New International Realities for Modern Democracies*. IGI Global Scientific Publishing, 2025. <https://doi.org/10.4018/979-8-3373-1355-9.ch002>.
- Arpangi, Arpangi, Andri Winjaya Laksana, Hendro Widodo, Toni Triyanto, and Akhmad Suparmin. “Resolution of Industrial Relations Disputes in Court Rulings and the Fair Fulfillment of Workers’ Rights in Indonesia: An Islamic Legal Perspective.” *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 51–62. <https://doi.org/10.31958/juris.v24i1.13423>.
- “BasicVSR: The Search for Essential Components in Video Super-Resolution and Beyond | IEEE Conference Publication | IEEE Xplore.” Accessed September 4, 2026. <https://ieeexplore.ieee.org/abstract/document/9577681>.
- Bell, Karen, and Mark Reed. “The Tree of Participation: A New Model for Inclusive Decision-Making.” *Community Development Journal* 57, no. 4 (2022): 595–614. <https://doi.org/10.1093/cdj/bsab018>.
- Borowski, Martin. “Gustav Radbruch’s Theory of Legal Obligation.” In *Theories of Legal Obligation*, edited by Deryck Beyleveld and Stefano Berteau. Springer International Publishing, 2024. https://doi.org/10.1007/978-3-031-54067-7_5.
- Brunnée, Jutta. *Procedure and Substance in International Environmental Law*. BRILL, 2021.

- Burke, Kevin, and Steve Leben. "Procedural Fairness: A Key Ingredient in Public Satisfaction." *Court Review* 60 (2024): 6.
- Dmytriieva, Mariia. "The Peculiarities Of Legal Certainty In Criminal Proceedings: Theoretical And Legal Aspects." *Baltic Journal of Legal and Social Sciences*, no. 3 (2021): 59–67. <https://doi.org/10.30525/2592-8813-2021-3-6>.
- Faisal, Andri Yanto, Derita Prapti Rahayu, Dwi Haryadi, Anri Darmawan, and Jeanne Darc Noviayanti Manik. "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code." *Cogent Social Sciences* 10, no. 1 (2024): 2301634. <https://doi.org/10.1080/23311886.2023.2301634>.
- Fauzia, Ana, Fathul Hamdani, and Deva Octavia. "The Revitalization Of The Indonesian Legal System In The Order Of Realizing The Ideal State Law." *Progressive Law Review* 3, no. 01 (2021): 12–25. <https://doi.org/10.36448/plr.v3i01.46>.
- Gaita, Raimond. *A Common Humanity: Thinking About Love and Truth and Justice*. Taylor & Francis, 2025.
- Hans-Bernd, Schäfer, and Ott Claus. *The Economic Analysis of Civil Law*. Edward Elgar Publishing, 2022.
- Hasan, Safarian, and Shidaeiyan Arani Mahdi. *Ethics and Law: The Place of Fairness in Fair Proceedings*. 5, no. 4 (2024): 15–25.
- Hofbauer, Benjamin. "Normative Uncertainty in Solar Climate Engineering Research Governance." *Ethics, Policy & Environment* 27, no. 3 (2024): 451–70. <https://doi.org/10.1080/21550085.2023.2216148>.
- Horbalinskiy, V., O. O. Markova, O. O. Маркова, et al. *Modalities of Protection of the Rights of Individuals According to the Administrative-*

- Procedural Order and in Legal-Administrative Procedures*. 2023. <https://doi.org/10.46398/cuestpol.4178.06>.
- Ilyas, Adam, Fachrizal Afandi, and Indah Dwi Qurbani. "Closing the Injustice Gap: Reconstructing Pre-Trial Proceedings as an Effective Remedy for Victims of Terminated Preliminary Inquiries: Menutup Celah Ketidakadilan: Rekonstruksi Praperadilan Sebagai Effective Remedy Bagi Korban Penghentian Penyelidikan." *Jurnal Konstitusi* 22, no. 4 (2025): 736–76. <https://doi.org/10.31078/jk2247>.
- Jackson, Jonathan, Tasseli McKay, Leonidas Cheliotis, Ben Bradford, Adam Fine, and Rick Trinkner. "Centering Race in Procedural Justice Theory: Structural Racism and the under- and Overpolicing of Black Communities." *Law and Human Behavior* (US) 47, no. 1 (2023): 68–82. <https://doi.org/10.1037/lhb0000524>.
- Kaba, Mariame. *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice*. Haymarket Books, 2021.
- Khalilov, Fardin Y., and Халилов Фардин Яшар Оғлы. "Equality of arms' in criminal procedure in the context of the right to a fair trial." *RUDN Journal of Law* 25, no. 3 (2021): 602–21. <https://doi.org/10.22363/2313-2337-2021-25-3-602-621>.
- King, Michael. *The Framework of Criminal Justice*. Taylor & Francis, 2023.
- Kirunda, James, Helen Nabirye, and Ronald Muwanguzi. "Legal Pluralism in Postcolonial Nations: Reconciling Customary, Religious, and State Norms in Judicial Practices." *Rechtsnormen: Journal of Law* 3, no. 3 (2025): 148–57. <https://doi.org/10.70177/rjl.v3i3.2217>.

- Kristhy, Mutia Evi, Helmi Hamdani, Miko Siamiko, and Oki Sanjaya. "The Role of Judges in Realizing the Three Basic Legal Values Reviewed from Gustav Radbruch's View." *Journal of Political And Legal Sovereignty* 1, no. 3 (2023): 88–92. No. <https://doi.org/10.38142/jpls.v1i3.81>.
- Lev, Daniel. *Legal Evolution and Political Authority in Indonesia: Selected Essays*. BRILL, 2021.
- Moeliono, Tristam Pascal, and Aris Hardinanto. "Comparative Study of Judicial Pardon in the Substantive Criminal Law and Criminal Procedure Law of the Netherlands and Indonesia: Note to the Draft Criminal Procedure Code." *Kosmik Hukum* 25, no. 2 (2025): 287–303. <https://doi.org/10.30595/kosmikhukum.v25i2.26047>.
- Pakes, Francis. *Comparative Criminal Justice*. Taylor & Francis, 2024.
- Peterson, Daniel, Adriaan Bedner, and Ward Berenschot. "The Perils of Legal Formalism: Litigating Land Conflicts in Indonesia." *Journal of Contemporary Asia* 55, no. 3 (2025): 430–51. <https://doi.org/10.1080/00472336.2024.2440855>.
- Prasetyo, Teguh. "Keadilan Bermartabat: Reconstructing Legal Authority in Indonesia." *Cogito: Multidisciplinary Research Journal* 17 (2025): 122.
- Rahmadani, Luthfia, and Wahidin Wahidin. "Beyond Procedural Correctness: Legal Formalism and the Search for Justice in Indonesian Criminal Law." *Rule of Law Studies Journal* 1, no. 4 (2025): 213–21. <https://doi.org/10.64780/rolsj.v1i4.168>.
- Ranchordás, Sofia. "Experimental Regulations and Regulatory Sandboxes: Law without Order?" *Law and Method* 2021 (2021). <https://doi.org/10.5553/REM/.000064>.

- Reijers, Wessel, Iris Wuisman, Morshed Mannan, et al. "Now the Code Runs Itself: On-Chain and Off-Chain Governance of Blockchain Technologies." *Topoi* 40, no. 4 (2021): 821–31. <https://doi.org/10.1007/s11245-018-9626-5>.
- Rusdiyanto, Widi Hidayat, Chabib Bahari, et al. "Company Profitability Is Influenced by Sales and Administration & General Costs: Evidence from Indonesia." *Journal of Legal, Ethical and Regulatory Issues* 24 (2021): 1.
- Said, M. Yasir, and Yati Nurhayati. "A Review On Rawls Theory Of Justice." *International Journal of Law, Environment, and Natural Resources* 1, no. 1 (2021): 29–36. <https://doi.org/10.51749/injurlens.v1i1.7>.
- Schaap, Dorian, and Elsa Saarikkomäki. "Rethinking Police Procedural Justice." *Theoretical Criminology* 26, no. 3 (2022): 416–33. <https://doi.org/10.1177/13624806211056680>.
- Summers, Nicole. "Civil Probation." *Stanford Law Review* 75 (2023): 847.
- Torres, John Roldan. "Navigating Legal Knowledge: A Comparative Analysis of Quantitative, Qualitative, Applied, and Descriptive Research Methodologies in Law." SSRN Scholarly Paper No. 5258015. Social Science Research Network, May 17, 2025. <https://doi.org/10.2139/ssrn.5258015>.
- Wagenaar, Alexander C., Rosalie Liccardo Pacula, and Scott Burris. *Legal Epidemiology: Theory and Methods*. John Wiley & Sons, 2023.
- Wagenaar, Alexander C., Rosalie Liccardo Pacula, and Scott Burris. *Legal Epidemiology: Theory and Methods*. John Wiley & Sons, 2023.
- Wardhani, Lita Tyesta Addy Listya, Muhammad Dzikirullah H. Noho, and Aga Natalis. "The Adoption of Various Legal Systems in Indonesia: An Effort to Initiate the Prismatic Mixed Legal

- Systems.” *Cogent Social Sciences* 8, no. 1 (2022): 2104710.
<https://doi.org/10.1080/23311886.2022.2104710>.
- Welsh, Lucy. *Access to Justice in Magistrates’ Courts: A Study of Defendant Marginalisation*. Bloomsbury Publishing, 2022.
- Wibianto, Muhamad Yofhan, Hartiwiningsih Hartiwiningsih, and I. Gusti Ayu Ketut Rachmi Handayani. “Real Justice, Real Impact with the Prosecutors in Action.” *Journal of Human Rights, Culture and Legal System* 5, no. 3 (2025): 1015–41.
<https://doi.org/10.53955/jhcls.v5i3.804>.
- Widjajanto, Agus, I. Gde Pantja Astawa, and Muhammad Rulyandi. “Decolonising Restorative Justice in Indonesia: A Comparative Study across Customary Law Traditions.” *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 470–92.
<https://doi.org/10.22219/ljih.v33i2.40481>.
- Young, Kathryne M., Karin D. Martin, and Sarah Lageson. “Access to Justice at the Intersection of Civil and Criminal Law.” *Punishment & Society* 26, no. 4 (2024): 599–609.
<https://doi.org/10.1177/14624745241240551>.