

## Realizing Substantive Justice in Court Decisions and its Implementation According to Law Number 48 of 2009 Concerning the Principles of Judicial Power

Sandrik Puji Maulana<sup>1</sup>, Dadang Komara<sup>2</sup>, Gugun Restu Yudhistira<sup>3</sup>, Khairul Khalil<sup>4</sup>

Universitas Terbuka

**Corresponding Author:** Sandrik Puji Maulana; [Sandrikpuji.0606@gmail.com](mailto:Sandrikpuji.0606@gmail.com)

### ARTICLE INFO

Keywords: *Realizing, Substantive Justice, Court Decisions, Law Number 48 of 2009 concerning Judicial Power*

*Received : 5 February*

*Revised : 23 March*

*Accepted: 23 April*

©2026 Maulana, Komara, Yudhistira, Khalil: This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



### ABSTRACT

This study examines how justice is understood and realized in court decisions through an analysis of principles, indicators, and the dynamics of judicial reasoning. Court decisions are viewed as important instruments in maintaining legal certainty as well as reflections of the judiciary's response to substantive justice values within society. This research employs a juridical approach by combining regulatory analysis, theories of justice, and case studies of court decisions. The findings indicate that justice is not only measured by the conformity of decisions with legal norms, but also by judges' ability to balance legal certainty, utility, and social justice. Comprehensive, transparent, and contextual judicial reasoning is the primary determinant of decision quality. However, the study also identifies various challenges, such as unequal access to legal resources, limitations in evidence, socio-political pressures, and structural bias that may hinder the realization of justice. These findings highlight the need to strengthen judges' capacity in applying substantive justice approaches, improve evidentiary mechanisms, and develop decision-making models that are more responsive to social values. Furthermore, enhancing public legal literacy is considered essential to support a more legitimate and inclusive judicial system

## **INTRODUCTION**

The concept of justice has always been a fundamental foundation in judicial practice, and its understanding continues to evolve over time. Classical thinkers such as Aristotle viewed justice as placing each individual in their proper position through proportionality. Plato emphasized harmony in social life as the ideal form of justice. These perspectives provide an early framework suggesting that justice is not merely a legal decision but a balance between rights, obligations, and social order. These early ideas later became the basis for many modern legal theories. In the modern era, John Rawls introduced the concept of justice as fairness through principles of basic liberties and equitable distribution of opportunities and resources. Meanwhile, Robert Nozick argued that justice lies in respecting property rights and individual freedom without excessive state intervention. These differing perspectives show that justice in law is not singular; it is layered and always tied to values such as equality, freedom, and protection of rights.

The discussion of justice theories is closely related to the development of contemporary legal theories in Indonesia. Progressive law views law as a tool to promote humanity and social change. Responsive law requires judicial decisions to reflect societal needs rather than remain confined to legal formalism. Restorative justice introduces a more empathetic and dialogical approach through restoring relationships among parties. These approaches broaden judges' perspectives in formulating decisions that incorporate not only legal texts but also moral values and social contexts. In judicial practice, fundamental principles such as legal certainty, utility, and justice serve as essential guidelines for judges. Legal certainty provides structure and limits in law enforcement, utility ensures beneficial outcomes, and justice serves as the moral foundation evaluating whether decisions are socially acceptable. However, balancing these principles is not simple. Judges must consider not only statutory provisions but also the values living within society, requiring social sensitivity and strong interpretative skills.

Studies such as Chintya (2023) demonstrate how the concept of public benefit (*maslahah*) can be translated into court decisions, particularly in Islamic economic cases. Such findings strengthen the argument that substantive justice is increasingly significant in Indonesian judicial practice. Court decisions hold a crucial role as the primary instrument of law enforcement, representing the state's final response to disputes. They are not merely legal documents but reflections of how legal norms are implemented in practice. The quality of judicial reasoning significantly influences public trust in the judiciary. However, in practice, a gap often exists between formal legal norms and the public's sense of justice. Decisions perceived as overly rigid may fail to reflect social realities, leading to criticism. The development of restorative justice highlights the need for more humane legal approaches. This approach emphasizes reconciliation and social restoration rather than mere punishment. It shows that law must evolve alongside societal expectations of justice. Judges must harmonize written law with universal justice principles to produce proportional and meaningful decisions.

### ***Problem Statement***

This study aims to explain the principles, indicators, and dynamics of justice in judicial decision-making practices, particularly how judges balance normative legal demands with substantive justice values in society, as mandated by Law Number 48 of 2009, Article 5 paragraph (1), which states that judges must explore, follow, and understand the legal values and sense of justice living in society. This focus is important because court decisions serve not only as instruments of law enforcement but also as reflections of the judiciary's ability to respond to evolving social needs.

### **LITERATURE REVIEW**

The study of justice in court decisions begins with the understanding that law functions not only as a regulatory tool but also as a means to realize justice in society. Classical perspectives define justice as proportional fairness, which later evolved into modern theories emphasizing balance between individual rights and social interests. Justice is no longer narrowly defined as compliance with rules but as responsiveness to dynamic social realities. Modern theories show a shift from formalistic to substantive approaches, emphasizing outcomes that are perceived as fair by society. Judges are required to interpret law flexibly while maintaining legal certainty. The integration of moral, legal, and social justice is crucial in producing legitimate decisions. Legal principles such as certainty, utility, and justice serve as foundational guidelines. Judges often face dilemmas between strict adherence to rules and accommodating social conditions. Therefore, strong interpretative ability is required to avoid rigid decisions.

The structure and reasoning of court decisions are also essential. Decisions must be systematic, logical, and accountable. Clear structure enhances public understanding and trust. Judicial reasoning reflects professionalism and integrity. Justice in judicial practice also involves procedural and substantive dimensions. Procedural justice ensures fairness in the process, while substantive justice focuses on fair outcomes. Both must be balanced for decisions to be socially acceptable. Restorative justice has emerged as an important modern approach, emphasizing reconciliation and social restoration. It enhances the effectiveness and acceptance of judicial decisions, although challenges remain in its implementation.

### **METHODOLOGY**

This study uses a juridical method, either normative or empirical depending on the focus. Normative approaches analyze legal norms and doctrines, while empirical approaches examine how decisions function in practice. The study also employs statutory, case, and conceptual approaches to provide comprehensive analysis. Data sources include court decisions, legal documents, and academic literature. If empirical, interviews may be conducted. Analysis involves content analysis, data reduction, classification, and contextual interpretation.

## **RESULTS AND DISCUSSION**

Court decisions represent the exercise of judicial authority and must be structured in a logical and systematic manner. They are formal documents that reflect how judges interpret and apply the law to specific cases. Typically, a decision includes the identities of the parties involved, ensuring clarity regarding who is bound by the ruling. It also outlines the chronology of the case, presenting a clear sequence of events and procedural developments. Legal considerations form a central component, as they explain the statutes, precedents, and principles applied by the court. The ruling itself provides the final determination, including orders, sanctions, or remedies. Each of these elements must be presented coherently to ensure transparency and accountability. A well-structured decision enables readers to understand not only the outcome but also the reasoning behind it. This systematic arrangement reinforces the legitimacy of judicial authority in the eyes of the public.

Judicial reasoning is the most crucial part of a court decision, as it reflects the intellectual process of applying legal norms and interpreting laws. It demonstrates how judges analyze facts, evaluate evidence, and connect them with relevant legal provisions. Strong reasoning ensures that decisions are not arbitrary but grounded in established legal frameworks. In addition to legal analysis, decisions often incorporate non-legal considerations such as social values and moral principles. These aspects acknowledge that law does not operate in isolation from the society it governs. Indicators of justice within a decision include procedural fairness, which ensures that due process is followed. Substantive justice is also essential, focusing on the fairness of the outcome itself. Impartiality requires judges to remain neutral and unbiased throughout the process. Judicial independence further guarantees that decisions are made free from external influence or pressure.

An analysis of court decisions shows that they must balance three key elements: legal certainty, utility, and justice. Legal certainty ensures consistency and predictability in the application of the law. Utility emphasizes the practical benefits and societal impact of judicial outcomes. Justice, as a broader concept, seeks to achieve fairness and equity for all parties involved. However, achieving this balance is not without challenges. Unequal access to justice remains a significant issue, as not all individuals have the same resources or opportunities to defend their rights. Evidentiary limitations can also affect the quality and accuracy of judicial decisions. Socio-political pressures may influence the judicial process, potentially undermining impartiality. Structural bias within legal systems further complicates the pursuit of fairness. These factors highlight that achieving justice depends not only on judges but also on the broader systemic conditions in which they operate.

## **CONCLUSIONS AND RECOMMENDATIONS**

This study concludes that justice in court decisions is not solely grounded in the application of legal norms but also depends on judges' capacity to consider broader social, moral, and empirical contexts. Judges are expected to interpret the law not only as written rules but as instruments that serve society. Therefore, the realization of justice requires a careful balance between legal certainty, utility,

and proportionality. Legal certainty ensures consistency and predictability in decisions, which is essential for maintaining public trust. At the same time, utility emphasizes the practical benefits and broader social impact of judicial outcomes. Proportionality ensures that decisions are fair and appropriate in relation to the circumstances of each case. These three elements must be harmonized to produce decisions that are both legally sound and socially responsive. A purely formalistic approach may neglect the human dimension of justice. Conversely, excessive flexibility may undermine legal certainty and consistency.

The findings of this study show that courts have generally been effective in maintaining legal certainty through adherence to established rules and procedures. However, challenges persist in integrating considerations of social justice and practical utility into judicial reasoning. Many decisions still prioritize formal compliance over substantive fairness. As a result, outcomes may appear legally correct but lack sensitivity to real-world implications. Decisions that creatively apply theories of justice, while still operating within normative legal limits, tend to be more humane and socially relevant. Such approaches demonstrate the potential for the law to evolve in response to societal needs. They also reflect a more progressive understanding of the judicial role in achieving justice. Nevertheless, institutional constraints and traditional legal paradigms often limit such innovations. This indicates the need for a more adaptive and context-aware judicial framework.

Based on these conclusions, this study recommends strengthening the capacity of judges to integrate interdisciplinary perspectives in their decision-making processes. Judicial training programs should include not only legal doctrine but also social, ethical, and empirical analysis. Courts should also encourage the development of jurisprudence that balances certainty with fairness and societal benefit. In addition, improving access to justice is essential to ensure that all individuals can effectively participate in the legal process. Efforts should be made to reduce structural bias and address inequalities within the judicial system. Greater transparency and accountability in judicial reasoning can also enhance public confidence. Policymakers should support reforms that enable a more responsive and inclusive legal system. Furthermore, collaboration between legal institutions and other sectors can enrich the understanding of complex cases. Ultimately, achieving justice requires not only competent judges but also a supportive and equitable legal environment.

### **FURTHER STUDY**

Efforts to achieve fair decisions should begin with improving judges' capacity to apply substantive justice approaches in their reasoning. This requires a shift from purely formalistic interpretations toward a more context-sensitive understanding of the law. Continuous training in legal theory, social analysis, and judicial reasoning is therefore essential for strengthening judicial competence. Such training enables judges to better connect legal norms with real societal conditions. In addition, improvements in evidentiary systems are necessary to ensure that decisions are based on accurate and comprehensive information. Greater transparency in judicial processes can further enhance

accountability and reduce potential bias. Public legal literacy must also be promoted so that individuals better understand their rights and the legal system. Open access to court decisions and the use of clearer legal language can significantly strengthen public trust in the judiciary.

Developing more socially responsive decision-making models is another important area for further study. These models should aim to integrate legal norms with evolving societal values and expectations. By doing so, court rulings can become more relevant and meaningful to the communities they serve. A responsive approach also encourages judges to consider the broader impact of their decisions. This includes the social, economic, and cultural consequences that may arise from a ruling. Furthermore, interdisciplinary collaboration can enrich judicial perspectives and improve the quality of decisions. Research into comparative legal systems may also provide valuable insights for reform. Ultimately, future efforts should focus on building a *न्याय* system that is not only legally sound but also socially just and widely trusted.

## REFERENCES

- Chintya, A. (2023). Menerjemahkan Kemaslahatan Dalam Putusan (Studi Terhadap Putusan Verstek Ekonomi Syariah di Pengadilan Agama Sijunjung). *JISRAH: Jurnal Integrasi Ilmu Syariah*, 4(2), 263-272.
- Lutfi, C. (202). *Kompilasi Analisis Putusan Pengadilan*. Jakarta: PT. Literasi Nusantara Abadi Grup.
- Martadinata, M. R., & Ahmadi, F. (2020). Asas Keadilan Hukum Putusan Peradilan. *Wasatiyah: Jurnal Hukum*, 1(2), 12-24.
- Mohammad Aliman Johanes Johnny Koynja, Sandrik Puji Maulana, Samad Umarama, Dadang Komara (2025). *Dasar-dasar Hukum Tata Negara: Teori dan Praktik*. Penerbit
- Nashir, M. A., Maharani, N., & Zafira, A. (2024). Urgensi Pembentukan Undang-Undang Restorative Justice Dalam Rangka Reformasi Keadilan Dan Kepastian Hukum Di Indonesia. *Sapientia Et Virtus*, 9(1), 344-357.
- Palsari, C. (2021). Kajian Pengantar Ilmu Hukum: Tujuan Dan Fungsi Ilmu Hukum Sebagai Dasar Fundamental Dalam Penjatuhan Putusan Pengadilan. *Jurnal Komunitas Yustisia*, 4(3), 940-950.
- Rizani, R., Hasan, A., & Umar, M. (2023). *Integrasi Keadilan Moral, Keadilan Hukum, Dan Keadilan Sosial Dalam Putusan Pengadilan*.
- Rohmat, H. N. (2024). *Sistem Peradilan Pidana*. Yogyakarta: Penerbit K-Media.
- Sekretariat Jenderal Komisi Yudisial Republik Indonesia. (2024). *Memotret Pertimbangan Putusan Hakim Dari Berbagai Perspektif*. Jakarta: Bunga Rampai.
- Sururi, R. 1. (2023). *Putusan Pengadilan*. Bandung: CV. Mimbar Pustaka.
- Yanto, O. (2020). *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum (Dalam Sistem Peradilan Pidana Indonesia)*. Bandung: Penerbit Pustaka Reka Cipta.
- Yayasan Putra Adi Darma.