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Justice and Justice: A Study of the Role of Judges in Answering Society's Need for a Fair Law

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Abstract: Law enforcement in Indonesia still faces serious challenges in realizing substantive justice for all levels of society. Inequality in the implementation of the law is often seen in the tendency of the justice system to be more repressive towards the lower classes, while structural crimes such as corruption are difficult to touch optimally. This study investigates the strategic position of judges in addressing society's demand for equitable law, utilizing a normative juridical lens supported by the Systematic Literature Review (SLR) method. The findings suggest that judges are not merely executors of legal norms, but autonomous agents tasked with interpreting and embodying the living values of justice within society. As Friedman posits, the synergy among legal substance, structure, and culture is essential to ensure the law operates effectively within its sociocultural context. Judges are required to have integrity, professionalism, and social sensitivity in shaping decisions that reflect justice, not mere formal legality. Thus, a judicial paradigm reform is needed to ensure that the law becomes a tool for just and civilized social transformation.

Keyword: Judiciary, Role of Judges, Law

INTRODUCTION

Currently, Indonesia's law is still in a state of chaos. (Arianto, 2012) The effectiveness of law enforcement tends to be more applied to the lower class of people involved in petty crimes. Conversely, actors involved in high-profile offenses like corruption, collusion, and nepotism frequently labeled as white-collar crimes tend to remain elusive within the legal apparatus, highlighting a systemic inertia that hampers the law's full reach and efficacy. Judges, as one of the most important components of a court institution, have once again become warm and the object of conversation. (Muhammad, 2014)

Judges are mandated to embody the spirit of substantive justice, transcending mere procedural victories driven by economic gain or pragmatic convenience. Excessive emphasis on these aspects has the potential to distort moral values, legal ethics, and normative meanings contained in the text of the law. In addition, this can distort the orientation to the value of truth and reduce legal rationality which should be based on the principles of legality and objective and fair legal reasoning.

Judicial independence finds its measure through two critical dimensions: impartial adjudication and the severance of ties with political power structures (political insularity). (Hasanal Mulkan, 2021) Legal enforcement, in this paradigm, extends beyond addressing overt violations it also anticipates potential infractions and compels state apparatuses to operate within the legal framework, thus reflecting a proactive model of law enforcement. (Alva Dio Rayfindratama, 2023)

In this process, judges face a variety of factors that influence decisions, including legal interpretation, evidence and facts presented, social values, and personal views on justice. (Siregar & Tanjung, 2024) A judge is obliged to comply with professional guidelines and codes of ethics that require independence, integrity, and objectivity in every decision handed down, in order to ensure substantive justice and maintain the dignity of the judiciary.

The law functions not only as a tool to regulate the behavior of individuals and groups, but also as an instrument to achieve well-being and reduce existing social disparities. (Wantu, 2014) Friedman said that law enforcement efforts can be influenced by at least 3 (three) components consisting of legal substance, legal structure, and legal culture. (Jalaludin et al., 2025) The three components interact with each other and determine the effectiveness of a legal system in responding to the demands of community justice. *Legal substance* refers to the norms, regulations, and legal principles that are the basis of the legal system itself; *The legal structure* includes law enforcement agencies and their working mechanisms; while *legal culture* reflects the attitudes, values, and perceptions of the public towards the law. The balance between these three elements is a fundamental requirement for the law to function optimally in realizing social justice and ensuring the protection of the human rights of every citizen.

The theory of law enforcement explains that one of the main elements is the substance of law, which is a set of norms, rules, systems, principles, and principles that institutionalize positive law. This substance reflects the values of law and justice that live and develop in society. Limiting and regulating the authority of judges in this context is very important so as not to cause legal uncertainty. The Supreme Court through Circular Letter No. 3 of 2000 and No. 4 of 2001 has provided strict guidelines to judges in issuing decisions immediately. (Harini & Rahmat, 2025)

Limiting and regulating the authority of judges in this context is very important so as not to cause legal uncertainty. The Supreme Court through Circular Letter No. 3 of 2000 and No. 4 of 2001 has provided strict guidelines to judges in issuing decisions immediately. (P et al., 2025) The importance of the role of the High Court can also be seen from its function in providing justice to society. (Rough, 2025)

Therefore, in the context of fair law enforcement, the role of judges cannot be separated from public expectations for the creation of substantive justice, not just formal legal certainty. Judges are required not only as a mouthpiece of the law, but also as active actors in interpreting the law wisely and wisely, taking into account social, moral, and justice values that live in society. This research holds significance in dissecting the extent to which judicial actors within the legal apparatus are capable of responding to societal demands for a legal order that transcends normative validity and embodies substantive justice.

RESEARCH METHODS

The researcher uses a normative type of juridical research. Taffy Faiq Syahmi and Krisnadi Nasution, "Legal Protection of Emergency Contact Subjects in Online Lending Practices" 4 (2024): 9858–66. This study uses a qualitative approach with the library *research* method, which focuses on secondary data sources. The analysis was carried out systematically on various literature, official documents, and relevant legal provisions, with an emphasis on normative interpretation of applicable laws and regulations as a basis for answering the formulation of research problems.

In this study, the *Systematic Literature Review (SLR) method was used*. (F. A. Syahmi et al., 2024) The *Systematic Literature Review (SLR)* method used in this study is a literature survey-based approach that is carried out systematically and objectively. The goal is to collect, evaluate, and synthesize findings or scientific evidence relevant to the research topic.

DISCUSSION

The Concept of Justice in the Perspective of Law and Society

Restorative justice is a "victim-centered criminal response that allows victims, perpetrators, their families, and community representatives to resolve the damage and losses caused by the crime." (Wagiu, 2015)

The Definition of Justice According to the Definition of Experts (Kurniawaty, 2017):

Aristotle interpreted justice as a moral virtue that lies at the middle point between two extremes, namely giving excessively and giving inadequately. (Haniyah, 2017) In the framework of the Greek philosopher's thought, justice is realized through proportional action, namely by giving to each individual what is rightfully his/her right. Thus, justice according to Aristotle is not merely an equality of treatment, but an appropriate placement based on the rights, feasibility, and contribution of each individual in the social order.

Frans Magnis-Suseno defined justice as a social condition in which each individual is treated equally, according to the rights and obligations inherent in him/her. In this view, justice is not only understood as equal treatment in a formal sense, but further emphasizes proportionate treatment based on the position, responsibilities, and contributions of each individual in society. Thus, according to Magnis-Suseno, justice is a normative principle that requires that human relations be built on the basis of respect for human rights and the fulfillment of obligations in a balanced manner, in order to create civilized and just social order.

1. Thomas Hobbes viewed justice as a concept that originated from agreements or agreements made consciously by individuals in a society. (Surajiyo, 2018) According to this philosopher's view, an action can be said to be fair if it is based on a mutually agreed agreement. In this context, justice is not a universal moral principle, but is born from a social contract that binds the parties reciprocatingly. Therefore, the implementation of justice according to Hobbes is closely related to the fulfillment of the content of the agreement that has been agreed, and injustice occurs when someone violates or reneges on the agreement. This approach places justice within a normative framework that relies on authority and compliance with the agreed legal order in society.
2. Plato viewed justice as an ideal concept that was beyond the reach of ordinary human understanding. (Dwisvimiar, 2011) In his view, justice is not something that can be determined subjectively by individuals, but is an order that can only be realized through laws and legislation formulated by philosophers or experts who understand the nature of goodness and truth. According to Plato, justice is reflected in order and harmony in society, which can only be achieved if each element in the state carries out its functions and roles in proportion to its nature and capacity. (A et al., 2023) Therefore, justice according to Plato is objective and ideal, and must be institutionalized through a legal system built by those who have deep knowledge and wisdom.
3. W.J.S. Poerwadarminto defines justice as a state that reflects impartiality or impartiality, which in practice demands a balance in the treatment of each individual. Justice in this sense emphasizes the importance of proportionality, which is to give each party according to its rights, without any arbitrary treatment or deviation from the principle of equality. Thus, according to Poerwadarminto, justice contains moral and ethical elements that require honesty, impartiality, and compliance with the norms that apply in society for the creation of a harmonious and civilized social order.

The essence of justice lies in evaluating an act or treatment through a normative lens that, from a subjective standpoint, is perceived as morally superior to other existing norms. (Wijayanta, 2014) Normatively, the law ideally contains the values of justice. However, in practice, not all legal provisions reflect the principle of justice, because there are legal norms that are formal but do not necessarily meet the community's sense of justice.

Functions and Roles of Judges in the Judicial System

A judge is a judicial officer of a country who is empowered by law to adjudicate. (Andi Arifin, 2023) The judicial process constitutes a sequence of procedural undertakings performed by judges to assess and resolve disputes, grounded in the framework of prevailing legal norms. As articulated in Article 5 paragraph (1) of Law No. 48 of 2009 on Judicial Power, judges and constitutional justices bear the mandate to internalize, trace, and embody the living legal values and collective sense of justice embedded within society.

A judge with a progressive outlook, who perceives himself as an integral part of society, will continuously reflect on his contribution during periods of reform, questioning, “What is my role in this transformation?” and “What aspirations does my nation hold in this era of change?” Consequently, such a judge will reject the notion that his function is limited to mechanically interpreting legal texts. Instead, he will remain attuned to the aspirations and concerns of the people he serves. (Kholiq, 2018) In a progressive legal view, judges as independent law enforcers not only serve solely as a mouthpiece of the law, but judges have the freedom to search, dig and find the law that lives in society, as hinted at in Article 28 of Law No. 4 of 2004 concerning the Principles of Judicial Power.

In terms of legal guarantees for judges who examine and decide a case, it depends on how the will and political direction take place in a country, as happened with the shift in judicial power in Indonesia. (Ismail Rumadan, 2017) The judicial posture enshrined within Law No. 48 of 2009 concerning Judicial Power reveals that the figure of the judge is not merely a mechanical operator of statutes, but rather a custodian of living justice. First, the judge is entrusted with the ethical imperative to excavate, engage with, and internalize the dynamic legal values embedded within societal consciousness. Second, in navigating the moral topography of criminal adjudication, the judge must weigh not only the juridical dimensions of the offense, but also the existential character of the accused balancing between virtue and vice in pursuit of just equilibrium.

In order for the judge to be able to determine every problem submitted to him in accordance with the examination, adjudication, and conclusion of the case submitted to him, the judge must be given freedom in exercising his judicial power. (Nurwandri et al., 2023) Montesquieu postulates that the architecture of a democratic legal state necessitates the fragmentation of power into three distinct yet interdependent spheres an epistemological safeguard designed to prevent authoritarian centralization and to ensure the circulation of accountability within the machinery of governance. (Zahra et al., 2023)

The three main pillars in the constitutional system consist of legislative, executive, and judicial powers. Legislative power refers to the authority to form laws and regulations. Executive power includes the functions of administering government, including the implementation and enforcement of the law. Meanwhile, judicial power is related to the function of the judiciary, namely adjudicating and upholding the rule of law independently. The three branches of power represent the concept of separation of state powers, each of which has a different implementing subject and function within the framework of the system of government.

Judges are required to have professional ability, moral strength and high integrity in order to be able to make decisions that reflect a sense of justice. (Sutatiek, 2013) The characteristics of the judge's duties require a commitment to always follow the development of legal science

and the dynamics of legal needs in society. Thus, judges can strengthen the basis of consideration in formulating decisions, as well as actively contribute to the process of legal reform and the formulation of laws and regulations in Indonesia.

Each judge's decision must have clear legal norms.(Arenza Wahyu & Yusuf M. Said, 2025) Norma is a statement that focuses on the aspect of *das sollen* or "what should be", by including provisions regarding the actions that must be taken. In the social context, norms are understood as standards of behavior that apply in a certain group of society, usually in the form of orders or prohibitions. In order for norms to carry out their functions effectively, their existence must be supported by legal forces that are binding and coercive.

Community's Expectations and Needs for the Law

The challenges in legal reform to realize social justice in Indonesia are complex and include several aspects that must be addressed comprehensively.(Endah Rantau Itasari, 2024) The law that should be a tool and purpose in society, nation and state is actually paralyzed by repressive power.(Guntur, 2001) Law and justice are like a piece of currency that cannot be separated from each other. This implies that the *raison d'être* of law lies in the embodiment and preservation of justice. Yet paradoxically, in the empirical theatre of legal practice, what unfolds is frequently a juridical performance devoid of the ethical resonance of justice itself.

The phenomenon of "No. Viral No Justice" is a Responsive Legal Theory, Responsive Legal Theory by Philippe Nonet and Philip Selznick states that law must be adaptive and able to respond to social change dynamically.(Gussela et al., 2024) When a case goes viral, the community is more likely to demand justice. The reason for the fading of public trust in the law is the legal system that is made based on the political interests of certain groups.

In judging someone, the judge should be open to constructive criticism and truth, and should not base the verdict on his own feelings. When court decisions do not reflect the public's sense of justice, public trust in legal institutions declines.(Ihat Rest, 2023) This is a serious challenge to the legitimacy of the judiciary. Thus, the formalistic paradigm that dominates the Indonesian justice system is the main obstacle in realizing substantive justice.

In the context of training and capacity building of judges, the Judicial Commission and the Supreme Court have held various trainings on professional ethics, integrity, and strengthening understanding of human rights principles and international law. (Anom, 2025) In its ideal conception, the law stands as an impartial architect of order—blind to status, unshaken by hierarchy, and unyielding to power. Yet, the empirical portrait painted by Harini & Rahmat, (2025) reveals a jurisprudential irony: the law, rather than being the great equalizer, is often weaponized by the influential few, transforming a supposed instrument of justice into a lever of vested interest.

The pulse of justice does not merely beat within courtrooms it reverberates through society's collective conscience. Public appraisal becomes a mirror reflecting not only the fidelity of law enforcement to its mandate but also the moral posture of legal institutions themselves. Yet, this evaluative gaze is not suspended in a vacuum. It is entangled within a stratified social fabric where economic divides, educational asymmetries, and asymmetrical power relations distort the contours of justice. Consequently, what ought to be a symmetrical application of the law frequently mutates into a hierarchical negotiation, undermining the very ethos of equality before the law and exposing the fragility of justice in the face of structural imbalance.

CONCLUSION

The role of judges in the judicial system is not only limited to the formal implementation of legal procedures, but also has moral and social responsibilities in realizing substantive justice. Effective law enforcement must pay attention to three main components according to

Friedman's theory, namely the substance of the law, the structure of the law, and the culture of the law. These three pillars must not merely coexist, but interweave in symphonic coordination only then can the law transcend its textual rigidity and transform into a living instrument capable of resonating with the collective yearning for justice embedded within the societal consciousness.

Judges are expected to embody judicial autonomy and unwavering integrity, while also cultivating a refined sensibility toward the shifting social undercurrents that shape the pulse of the community they serve. The placement of judges only as a mouthpiece of the law has proven incapable of satisfying the public's sense of justice, especially in the context of cases involving the interests of the wider community. Social inequality and structural bias often weaken the function of law as an instrument of justice. Therefore, it is not enough to realize justice only through written norms, but must also be realized through judicial policies that are adaptive, wise, and oriented to human values.

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