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Renewal of Judges' Authority in Handling New Disputes by Filling Legal Vacancies through Analogical Interpretation and Application of the Principle of Justice

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Abstract: This study examines the authority of judges in handling new cases and filling legal gaps through analogical interpretation and the application of the principle of justice. A legal vacuum (*vacatio legis*) arises when the law fails to explicitly regulate new legal phenomena, thereby posing challenges for judges in upholding legal certainty and substantive justice. The study uses a normative juridical approach in analyzing statutory regulations, the Civil Code, the Criminal Procedure Code, jurisprudence, and related legal literature. The results indicate that judges have limited authority to interpret the law analogically and consider the principle of justice, as long as they do not exceed the principle of legality and the limits of authority granted by law. The analogical interpretation allows judges to refer to similar norms to resolve new cases, while the justice principle as a guideline for maintaining fair and proportional treatment for the parties. The application of these two instruments fills legal gaps, maintains consistency in decisions, and balances legal certainty with substantive justice. However, the use of analogy and the principle of justice also carries risks, such as the potential for differences in interpretation between judges that can lead to inconsistencies. Therefore, judges are advised to apply this method proportionally, with clear and documented legal considerations, and to strengthen internal guidelines so that decisions remain valid, fair, and credible.

Keyword: Judge, Legal Vacuum, Analogical Interpretation, Principle of Justice.

INTRODUCTION

The Indonesian legal system adheres to the principle of civil law, which emphasizes the importance of statutory regulations as the primary source of law. (Siregar, 2022) Within this framework, judges play a central role as law enforcers and ensure compliance with statutory norms. The function of judges extends beyond enforcing regulations to maintaining a balance between legal certainty and justice for disputing parties. (Sutrisno, 2025) In practice, judges are required to interpret laws carefully, understand the intent of the legislator,

and consider the social context and facts arising in each case, so that their decisions are not merely formal but also substantive and just. (Harini & Rahmat, 2025)

However, not all legal issues can be answered explicitly through existing regulations. A legal vacuum, or *vacatio legis*, arises when a particular type of case or legal situation is not clearly regulated by law, either due to rapid societal developments or the limited legislative capacity to anticipate new cases. (Atikah, 2023) This phenomenon poses a unique challenge for judges, as when facing new, unregulated cases, judges must seek alternative legal frameworks to render their decisions. Without clear guidance, judges' decisions are prone to uncertainty and inconsistency, which can create perceptions of injustice for the disputing parties. (Gulo & Gulo, 2024)

Examples of legal gaps can be found in new cases that arise with technological developments and social change, such as disputes related to digital transactions, personal data protection, or new forms of business contracts that were unknown when the law was enacted. (Maskanah, 2023) These types of cases often lack specific regulations, so judges cannot simply refer to the law in text. This situation forces judges to develop an interpretive approach, including reviewing relevant legal principles, seeking analogies from similar cases, or even considering the principle of justice to fill the legal gap. (Abidin & Fadhlurrahman, 2025)

The impact of legal vacuums on the judicial process is significant, as they not only affect legal certainty but also challenge the consistency of decisions between judges. When each judge interprets their authority differently, the likelihood of differing decisions in similar cases increases, which in turn can diminish the credibility of the judicial system in the eyes of the public. (Iskandar, 2025) Therefore, the role of judges in addressing legal vacuums is crucial, not only to enforce existing regulations but also to bridge legal gaps with a rational, fair approach that aligns with applicable legal principles. (Supena, 2022)

Judges in Indonesia have the authority to decide cases based on applicable laws, which are regulated by various legal provisions. In the context of criminal justice, judges' authority is regulated in Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which states that judges have the authority to hear, decide, and enforce the law in accordance with statutory regulations. Meanwhile, in civil courts, the Civil Code provides guidelines regarding the authority of judges to resolve disputes and fill legal gaps in certain cases. Jurisprudence also strengthens the position of judges in interpreting laws, especially when facing new cases that are not explicitly regulated, so that judges function not only as enforcers of the law but also as guardians of substantive justice. (Ardyati & Carollina, 2023)

Nevertheless, judges' authority has clear limitations, as not all aspects are open to free interpretation. Judges are obliged to decide cases based on applicable law, avoid decisions that conflict with the principle of legality, and maintain legal certainty. It presents challenges when facing new cases or legal phenomena that are not yet expressly regulated by law. (Khofif, 2023) This ambiguity encourages judges to use appropriate methods of legal interpretation to ensure that decisions remain valid and accountable. For example, disputes related to information technology or new contracts not yet addressed by the Civil Code require judges to seek alternative legal bases, such as the principle of justice or analogies to relevant regulations. In practice, judges use various methods of legal interpretation, including literal, systematic, teleological, and analogical interpretation. Literal interpretation focuses on the literal meaning of the statutory text, while systematic interpretation considers the relationships between provisions within the entire legal system. Teleological interpretation emphasizes the goals and intentions of the legislator, while analogical interpretation allows judges to fill legal gaps by drawing on rules from similar cases or relevant legal principles. Analogical interpretation is crucial when there are no norms explicitly governing a new case.

But it must meet the requirements of the factual context, object similarity, and avoidance of injustice. (Karima et al., 2023)

While analogical interpretation has the power to bridge legal gaps, its use also carries risks. Analogy-based decisions can lead to inconsistencies if each judge interprets them differently, potentially giving rise to legal controversy. However, this method remains recognized in judicial practice as a tool to ensure substantive justice, as long as judges consider general legal principles and the principle of justice, as affirmed in Article 5 paragraph (2) of the Judicial Power Law, which emphasizes that judges are obliged to uphold the law, justice, and legal certainty. Thus, analogical interpretation is an important instrument for judges to address legal gaps while maintaining the legitimacy and credibility of judicial decisions. (Susanti, 2021)

The principle of justice is a fundamental principle in the legal system, ensuring that every judge's decision not only complies with the law but also results in fair treatment for all parties. In law, the principle of justice can be realized through the concept of equity or fairness, which emphasizes balancing rights and obligations, as well as objectively assessing the situation to achieve a reasonable and proportional outcome. This principle is especially important when judges are faced with new cases or legal phenomena that have not been explicitly regulated, allowing judges to fill legal gaps without violating the principle of legality or deviating from applicable norms.

The application of the principle of justice in judicial practice provides judges with guidelines for making substantive and humane decisions. In situations of legal vacuum, judges can consider justice as a tool to interpret or supplement incomplete rules, so that decisions remain relevant to prevailing legal and social values. It allows the judicial process to proceed even in the absence of formal regulations and prevents injustice that harms one party. In other words, the principle of justice serves as an instrument for judges to balance legal certainty with the need to uphold substantive justice.

However, the application of the principle of justice also has limitations, as excessive use can create legal uncertainty. Judges must be careful to ensure that their decisions do not conflict with existing statutory provisions or the principle of legality. This conflict arises because the principle of justice is relative and contextual, while legal certainty demands clear and consistent standards in every decision. This tension between legal certainty and substantive justice is one of the greatest challenges for judges handling new cases, especially those without explicit regulations.

Unclear laws and legal vacuums have the potential to lead to inconsistent decisions between judges, as each judge may interpret their authority and the principle of justice differently. (Suparno & Jalil, 2022) These differences in interpretation can lead to different decisions in similar cases, ultimately affecting the credibility and public trust in the judicial system. Therefore, research into the authority of judges to fill legal vacuums through analogical interpretation and the application of the principle of justice is crucial. This research is expected to provide a clearer understanding and guidance for judges so that their decisions remain fair, consistent, and in accordance with applicable legal principles, thus balancing legal certainty and substantive justice.

METHOD

This research uses a normative juridical method, which emphasizes the analysis of laws and regulations, doctrine, jurisprudence, and related legal literature to understand the authority of judges in handling new cases and filling legal gaps through analogical interpretation and the application of the principle of justice; the research approach is carried out through a statutory approach, namely reviewing applicable legal provisions, including Law Number 48 of 2009 concerning Judicial Power, the Civil Code, the Criminal Procedure

Code, and relevant Supreme Court jurisprudence, and a conceptual approach, namely analyzing legal principles, analogical interpretation theory, and the principle of justice in the context of Indonesian law; research data sources consist of primary data, in the form of related laws and regulations, and secondary data, in the form of books, journals, scientific articles, judicial reports, and other legal documents; data collection techniques are carried out through library research and legal document reviews, which are then classified, recorded, and synthesized for analysis purposes. Next, the data analysis technique is conducted qualitatively using a descriptive-analytical method, namely examining, describing, and evaluating legal norms, theories, and judges' decisions, as well as drawing logical and systematic conclusions regarding the judge's authority, analogical interpretation mechanisms, application of the principle of justice, and its implications for legal certainty and consistency of decisions.

RESULTS AND DISCUSSION

The Authority of Judges in Handling New Cases and Filling Legal Vacancies in Indonesia

The authority of judges in Indonesia is regulated by Law Number 48 of 2009 concerning Judicial Power, which affirms the role of judges as implementers and guardians of the law at the judicial level. Article 5 paragraph (1) of the Judicial Power Law states: "Judges have the authority to adjudicate, decide, and enforce the law in accordance with applicable laws and regulations." This provision emphasizes that judges not only enforce the law mechanically but also have the responsibility to ensure that every decision reflects substantive justice. In other words, a judge's authority is both formal and substantive, requiring judges to balance legal certainty with the principle of justice in every case they face. (Zahra et al., 2023)

Article 5 paragraph (2) of the Judicial Power Law adds: "Judges are obliged to uphold the law, justice, and legal certainty in every decision they render." This provision guides that a judge's authority is not absolute or arbitrary but rather is limited by applicable legal principles. Judges are required to maintain the integrity and credibility of the judiciary by deciding cases based on the law, while still adhering to the values of justice and legal certainty. This provides a legitimate normative basis for judges when facing new cases or legal phenomena not explicitly regulated by law. (Rachmadika et al., 2024)

In addition to the Judicial Powers Law, the Civil Code also provides guidelines regarding the authority of judges, particularly in resolving civil disputes. In practice, judges are given the freedom to interpret and apply legal norms to resolve disputes between disputing parties. For example, Article 1320 of the Civil Code regulates the requirements for the validity of an agreement, which serves as the basis for judges to assess the validity of contracts and make decisions in new contract cases. Thus, the Civil Code provides a substantive legal basis for judges to fill legal gaps in the civil realm. (Rohman, 2024)

In the criminal realm, the Criminal Procedure Code also regulates the authority of judges in deciding cases. Article 183 of the Criminal Procedure Code states: "Judges are obliged to assess and examine the evidence presented by the public prosecutor and the defendant to determine material truth." This provision affirms that judges have the authority to objectively assess facts and evidence, while simultaneously deciding cases based on applicable law. In the context of new cases or unregulated legal phenomena, the Criminal Procedure Code provides a basis for judges to explore valid methods of legal interpretation, ensuring that decisions retain legal legitimacy. (Jintang, 2023)

Jurisprudence also plays a crucial role in strengthening judges' authority, particularly in cases where there are no clear provisions in law. Previous judges' decisions, which are used as references, can serve as a guideline for other judges in interpreting their authority. For example, the Supreme Court has emphasized in several decisions that judges may use

analogy or the principle of justice to fill legal gaps, as long as they do not conflict with the principle of legality and existing legal norms. Thus, jurisprudence helps create consistency and practical guidance in the application of judges' authority. (Gusman, 2024)

The principle of legality is the primary limitation of judges' authority under positive law. Judges cannot create new laws or decide cases arbitrarily; their authority is always bound by applicable laws and regulations. This is emphasized in Article 1 paragraph (3) of the Judicial Powers Law, which states: "In exercising judicial power, judges are subject to applicable laws and legal principles." Therefore, although judges have the authority to fill legal gaps through interpretation, this authority must be exercised carefully, responsibly, and consistently with existing legal principles, so that legal certainty and justice are maintained. (Gusman, 2024)

The authority of judges in the Indonesian judicial system encompasses two main dimensions: substantive and procedural authority. Substantive authority refers to the judge's capacity to assess, interpret, and decide the rights and obligations of the parties based on applicable legal norms, in both civil and criminal cases. Procedural authority, meanwhile, relates to the judge's ability to regulate the course of the trial, manage the evidentiary process, and ensure that each stage of the trial is conducted in accordance with applicable legal regulations. These two dimensions are interrelated, as just and legally valid decisions must be made through proper process and the proper application of legal norms.

In the new cases and legal vacuums, the limits of a judge's authority become more complex. Judges cannot freely create new law but are given the freedom to interpret existing norms and employing methods such as analogy or the principle of justice to fill legal gaps, however, these limitations must be maintained so as not to exceed the principle of legality, which requires every decision to be based on applicable laws and legal principles. In other words, judges have adaptive authority in handling new cases but are still limited by legal norms and the principle of legal certainty, so that decisions retain formal and substantive legitimacy.

If judges exceed their authority, the resulting legal consequences can be significant, both for the judicial process and for the disputing parties. Decisions that exceed their authority can be challenged through legal mechanisms, such as cassation or judicial review, and have the potential to create legal uncertainty and inconsistency in decisions between judges. Furthermore, violating the limits of authority can damage the credibility of judges and public trust in the judicial system.

A legal vacuum, or *vacatio legis*, occurs when a particular legal issue or type of case has not been expressly regulated in legislation. This phenomenon often arises because society develops faster than the ability of legislation to respond to social, technological, and economic changes. Legal vacuums pose a significant challenge to the judicial system, as judges are faced with situations where formal legal norms do not provide clear guidance in deciding cases. Without a firm foundation, the risk of legal uncertainty and inconsistent decisions increases, potentially leading to injustice even when proper judicial procedures are followed.

Various types of new cases often create legal vacuums, particularly in the areas of information technology, digital transactions, personal data protection, innovative contracts, and new social and economic phenomena not yet addressed by law. For example, disputes related to electronic contracts, crypto asset transactions, or digital rights protection often lack specific regulations that can serve as a legal basis. This situation forces judges to seek alternative bases for deciding cases, such as general legal principles, analogies with relevant regulations, or the application of the principle of equity, so that decisions retain legal and substantive legitimacy.

The challenges faced by judges in handling new cases are not only normative but also practical. Judges must assess emerging facts and evidence within an unclear legal context, while also considering the social impact and interests of the parties. Unclear laws increase the likelihood of differing interpretations among judges, which can lead to inconsistent decisions. Furthermore, judges must be careful not to exceed the authority granted by positive law, as any step beyond this authority can result in the decision being annulled or challenged through cassation and judicial review mechanisms.

To address legal gaps, judges have several strategies they can use legally and effectively. One primary method is analogical interpretation, which involves taking rules from similar cases or relevant legal norms and applying them to cases not yet regulated. This method allows judges to close legal gaps without arbitrarily creating new laws. Another strategy is the application of the principle of equity/fairness, which emphasizes consideration of substantive justice in every decision, ensuring that the judge's decision remains relevant to applicable moral and social principles.

In judicial practice, a combination of analogical interpretation and the application of the principle of justice is often used to fill legal gaps. For example, in several of its decisions, the Supreme Court has used analogies from civil law to resolve information technology disputes, while simultaneously considering the principle of justice to ensure that the decision does not disproportionately disadvantage one party. This approach allows judges to maintain a balance between legal certainty and substantive justice, ensuring that the resulting decision is acceptable to the public and remains legally valid.

While these strategies are effective, each has its advantages and risks. Analogical interpretation can create consistency if used carefully, but risks creating differences in interpretation between judges if the case contexts vary. Applying the principle of justice provides flexibility in dealing with new cases, but if overly broad, it can create legal uncertainty and potential inconsistencies in decisions. Therefore, judges must use this strategy proportionately, taking into account the principle of legality, applicable legal norms, and the interests of substantive justice, so that each decision meets the legal, ethical, and fair standards expected by society.

Analogical Interpretation and Application of the Principle of Justice as an Instrument to Fill Legal Vacancies

Analogical interpretation in law is a method used by judges to fill legal gaps when a new case or specific legal phenomenon is not expressly regulated in legislation. This method allows judges to conclude existing regulations by referring to similarities in situations or similar legal objects. Thus, analogy becomes a crucial tool for judges to ensure that decisions remain legally sound, even when applicable norms do not directly regulate the case at hand. The role of analogical interpretation is crucial in civil law systems, like Indonesia, where statutes are the primary source of law but are not always able to accommodate every social and technological development.

Basic legal theories supporting analogical interpretation include the principle of ratio legis, which seeks the intent and purpose of applicable regulations, and analogia legis, which emphasizes the application of similar regulations to similar cases. These principles legitimize judges' decision-making based on analogy, as long as the analogy aligns with the purpose and spirit of existing legal norms. This approach also aligns with the jurisprudential view that allows judges to fill legal gaps with rational interpretation, ensuring that decisions remain valid and legally accountable.

Analogical interpretation differs from other methods of interpretation, such as literal, systematic, or teleological. Literal interpretation emphasizes the literal meaning of the statutory text, systematic interpretation examines the relationships between provisions within

the entire legal system, while teleological interpretation emphasizes the purpose or intent of the legislator. Unlike these three methods, analogical interpretation requires judges to creatively draw conclusions from existing norms and adapt them to unregulated cases, making it a more flexible approach while still grounded in valid law.

For analogical interpretation to be valid, judges must meet several requirements, including similarities in the object, context, and legal situation between the case at hand and the case or norm being used as an analogy. This similarity is crucial to ensure that the application of the analogy does not result in injustice or a decision that contradicts applicable norms. In other words, an analogy is only valid when the legal situation referred to is truly relevant and bears sufficient similarity to the new case being decided.

The procedure for applying analogical interpretation by judges typically begins with identifying relevant norms, analyzing the facts and legal situation, and adapting existing rules to suit the new case. Judges must explain the rationale for using analogy in detail in their decisions, including the similarity of legal objects, the purpose of the norms, and the reasoning behind applying the analogy. This transparency is crucial for decisions to be understood, tested, and used as a guideline for similar cases in the future, while also reducing the risk of inconsistencies in decisions between judges.

In judicial practice, some judges' decisions have used analogical interpretation to fill legal gaps. For example, in information technology disputes or digital contracts, judges sometimes use similar civil principles to determine the parties' rights and obligations. This application of analogy allows dispute resolution to remain based on law, even when specific regulations do not yet exist. This approach demonstrates the judge's flexibility and creativity in upholding justice, while also emphasizing the importance of analogical interpretation as a tool to address legal gaps without exceeding the authority granted by positive law.

The principle of justice, known in legal terms as equity or fairness, is a fundamental principle that guides judges in ensuring that every decision is not only legally valid but also substantively just. In the Indonesian legal system, the principle of justice is significant because it helps judges balance legal certainty and substantive justice, particularly when dealing with new cases that are not yet explicitly regulated by law. This principle requires judges to consider the entire social context, the facts of the case, and the rights and obligations of the parties to ensure that their decisions reflect fair and proportional treatment.

The function of the principle of justice becomes especially important when legal norms do not specifically regulate a case. In such situations, judges can use the principle of justice as a complementary tool to close legal loopholes, ensuring that decisions still uphold substantive justice without violating the principle of legality. By applying the principle of justice, judges can decide cases by taking into account moral and social considerations, as well as the interests of the parties, so that decisions are not merely formal but also provide protection and balance of rights for all parties in dispute.

However, the application of the principle of justice must always consider the relationship between legal certainty and substantive justice. Legal certainty requires clear standards so that judges' decisions are consistent and predictable, while substantive justice requires flexibility to achieve just outcomes in unique or novel cases. Judges need to balance these two principles, as over-application of the principle of justice can create legal uncertainty, while overemphasizing legal certainty can neglect substantive justice, resulting in decisions that are not entirely fair to the disputing parties.

The application of analogical interpretation and the principle of justice is not without risks, including inconsistencies in decisions between judges and potential conflicts with the principle of legality. Inconsistencies can arise because each judge may interpret analogies or assess justice differently based on their individual understanding and experience. Furthermore, if a judge exceeds their authority or over-interprets norms, this can be

considered a violation of the principle of legality and undermine the legitimacy of the decision. Therefore, the use of analogy or the principle of justice must be carried out proportionally, transparently, and based on clear legal principles.

Several judicial decisions demonstrate the practice of applying analogical interpretation and the principle of justice to fill legal gaps. For example, in disputes involving information technology or digital contracts, judges use analogies from civil regulations related to traditional contracts and consider the principle of justice to assess the fairness of the parties' rights and obligations. This practice demonstrates the judges' flexibility in interpreting the law for new cases, while maintaining fairness and relevance to the social context. Analysis of this practice reveals that the combination of analogy and the principle of justice allow judges to provide legally valid solutions while still considering substantive justice.

However, this approach has advantages and disadvantages. The advantage is that decisions can rationally fill legal gaps, maintain the law's relevance to social developments, and consider the interests of the disputing parties. However, the disadvantage is the potential for differences in interpretation among judges, which can lead to inconsistencies, and the risk of overly flexible decisions, which can create legal uncertainty. Therefore, the use of analogical interpretation and the principle of justice must be carried out with careful consideration, maintaining a balance between legal certainty, consistency of decisions, and substantive justice, so that the justice system remains credible and trusted by the public.

CONCLUSION

Based on the discussion regarding the authority of judges in handling new cases and filling legal gaps through analogical interpretation and the application of the principle of justice, it can be concluded that judges have a strategic role as guardians of legal certainty as well as enforcers of substantive justice, especially when the law has not expressly regulated the emerging legal phenomena; this authority of judges is based on Law Number 48 of 2009 concerning Judicial Power, the Civil Code, the Criminal Procedure Code, and relevant jurisprudence, but remains limited by the principle of legality and the obligation to maintain consistency of decisions; in practice, analogical interpretation and the principle of justice are important instruments to fill legal gaps, with the note that they must be applied carefully, proportionally, and transparently so as not to cause inconsistencies or exceed the authority granted; therefore, it is recommended that judges always strengthen the basis for consideration of decisions through clear legal analysis, record the use of analogies and the principle of justice in detail in decisions, and develop internal guidelines or guidelines for courts to increase consistency, transparency, and legitimacy of decisions, so that legal certainty and substantive justice can be achieved in a balanced manner in dealing with new cases that arise in society.

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