

The Conflict between Legal Certainty and Justice in Court Decisions: An Analysis of Supreme Court Decisions

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Abstract

Legal certainty and justice are two fundamental principles in the legal system that play a crucial role in realizing a state based on the rule of law. In law enforcement practice, these two principles often create problems because they are not always balanced. Legal certainty emphasizes the clear, firm, and consistent application of legal rules, while justice places greater emphasis on moral values and the prevailing sense of justice within society. This situation often creates a dilemma for judges when deciding cases, especially when rigid application of legal rules has the potential to lead to injustice for certain parties. This study aims to analyze the application of the principle of legal certainty and examine how judges balance legal certainty and justice in court decisions. This study uses a normative legal research method with a statutory and conceptual approach, conducted through a review of relevant laws and regulations, legal literature, and court decisions. The results show that in deciding a case, judges are not only guided by formal legal rules but also consider the values of justice that exist within society. Therefore, court decisions are expected to provide legal certainty while reflecting a sense of justice within society.

Keywords : legal certainty, justice, court decisions, state based on the rule of law, judiciary in Indonesia.

A. Introduction

Indonesia is a state based on law, which uses law as the basis for regulating social, national, and state life. The principle of a state based on law is expressly stipulated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law. This provision indicates that all actions taken by the government and society must be based on applicable law. In a state based on law, the law functions not only to maintain order but also to guarantee justice and legal certainty for all citizens.

One of the important elements in a state based on the rule of law is legal certainty. Legal certainty means that the law must provide clear rules, not give rise to different interpretations, and can be applied consistently. With legal certainty, the public can clearly understand their rights and obligations and receive equal legal protection before the law. This principle is also related to the guarantee of human rights protection as regulated in Article 28D paragraph (1) of the 1945 Constitution, which states that everyone has the right to recognition, guarantees, protection, and fair legal certainty.

However, in law enforcement practice, conflicts often arise between legal certainty and justice. Legal certainty tends to emphasize the strict application of legal rules in accordance with applicable regulations. Meanwhile, justice often takes into account the concrete conditions within society and the prevailing sense of justice. In some cases, the rigid application of legal rules can actually lead to injustice for certain parties.

According to Gustav Radbruch, law essentially has three primary values: legal certainty, justice, and utility. These three values should exist in balance in the application of law. However, in practice, conflicts often arise between the values of legal certainty and justice, leaving judges faced with challenging situations when deciding cases.

In such circumstances, the role of judges in balancing these two principles becomes crucial. Judges serve not only as formal implementers of the law, but also as interpreters of the law, who must be able to consider the balanced values of justice prevailing in society. A sound judicial decision is essentially one that not only provides legal certainty but also reflects a sense of justice and benefits society.

As the highest judicial institution in Indonesia, the Supreme Court plays a crucial role in maintaining consistency in the application of the law. Supreme Court decisions serve as guidelines for lower courts in deciding similar cases. Therefore, analyzing court decisions is crucial for

understanding how legal certainty and justice are implemented in Indonesian judicial practice.

PROBLEM FORMULATION

1. How is the concept of legal certainty in the Indonesian legal system based on the values of Pancasila?
2. How is the principle of legal certainty implemented in law enforcement practices in Indonesia?
3. How do judges balance legal certainty and justice in court decisions, particularly in decisions issued by the Supreme Court

B. Result and Discussion

1. The Concept of Legal Certainty in Indonesia's Legal System Based on Pancasila Values

Legal certainty is a crucial element in a state based on the rule of law. Legal certainty means that laws must provide clear rules, avoid differing interpretations, and be consistently applied to everyone. With legal certainty, people can understand their rights and obligations, thereby creating order and a sense of security in community life.

In Indonesia's constitutional system, legal certainty is inseparable from the values embodied in Pancasila, the state's foundation. Pancasila serves as the philosophical foundation for the formation and implementation of law in Indonesia. This means that every legal regulation created and implemented must reflect the values enshrined in Pancasila, such as humanity, justice, and balance in social life.

The concept of a state based on law in Indonesia is constitutionally affirmed in the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law. This indicates that all actions taken by the government and society must be based on applicable law. Thus, the law plays a crucial role in maintaining order and providing legal certainty for every citizen.

According to Sudikno Mertokusumo, legal certainty guarantees that the law must be implemented properly and in accordance with applicable regulations, thus avoiding doubts about its implementation. Legal certainty is crucial for public confidence in the prevailing legal system.

Furthermore, legal experts such as Gustav Radbruch also explain that law has three basic values: justice, legal certainty, and utility. These three values should exist in balance in law enforcement practices. If the

law only emphasizes regulatory certainty without considering justice, it can lose its primary purpose as a means to create justice in society.

The values of Pancasila provide direction so that legal certainty applied in Indonesia does not focus solely on written rules, but also takes into account the values of justice and humanity. For example, the second principle of Pancasila emphasizes the importance of respect for human dignity in the application of law. Meanwhile, the fifth principle emphasizes that the law must be able to realize social justice for all Indonesians. Thus, legal certainty applied in the Indonesian legal system must remain in line with the goal of creating justice and prosperity for society.

Based on the above description, it can be understood that the concept of legal certainty in the Indonesian legal system does not only emphasize formal regulatory certainty, but must also take into account the values contained in Pancasila. In this way, the law functions not only as a tool to create order, but also as a means to realize justice and prosperity for all Indonesian people.

2. Implementation of the Principle of Legal Certainty in Law Enforcement Practices in Indonesia

In the practice of law enforcement in Indonesia, the principle of legal certainty plays a crucial role. Legal certainty is necessary so that the law can be applied clearly and consistently to everyone without any unequal treatment. With legal certainty, the public can understand the applicable rules and understand the consequences of each action.

Legal certainty also serves as the basis for law enforcement officials, such as police, prosecutors, and judges, in carrying out their duties. In the law enforcement process, law enforcement officials must adhere to applicable laws and regulations to ensure that their decisions have a clear legal basis. This is crucial to prevent arbitrary actions in the law enforcement process.

The principle of legal certainty in the Indonesian legal system is also guaranteed in the 1945 Constitution of the Republic of Indonesia, particularly in Article 28D paragraph (1) which states that every person has the right to recognition, guarantees, protection and fair legal certainty. This certainty shows that legal certainty is the right of every citizen which must be guaranteed by the state.

However, in practice, the implementation of legal certainty is not always straightforward. In some cases, differing interpretations of legal rules emerge, leading to legal uncertainty. Furthermore, overly rigid legal implementation can also create problems if it fails to consider the

concrete conditions prevailing in society. Therefore, law enforcement requires not only regulatory certainty but also consideration of the values of justice and public benefit.

According to Sudikno Mertokusumo, legal certainty is crucial for public trust in the law. If the law is applied consistently and fairly, the public will be more likely to respect and obey the law. Conversely, if the law is applied inconsistently, it can erode public trust in the legal system.

In judicial practice, the application of legal certainty is also closely related to the role of judges in deciding a case. Judges must be able to apply legal rules accurately so that the resulting decisions can provide legal certainty for the parties involved in the case. Furthermore, court decisions are also expected to reflect a sense of justice that exists in society, so that the law provides not only certainty but also justice.

Thus, the application of the principle of legal certainty in law enforcement practices in Indonesia must be carried out in a balanced manner, taking into account the values of justice and utility. This is crucial for the law to function effectively as a means of creating order and providing protection for society.

3. The Role of Judges in Balancing Legal Certainty and Justice in Court Decisions

In the judicial system, judges have a crucial role in upholding the law and providing justice to the parties in a dispute. Judges are not only tasked with formally enforcing legal rules, but they must also be able to consider the values of justice that exist in society. Therefore, when deciding a case, judges are faced with situations that require them to balance legal certainty and justice.

Legal certainty requires judges to decide cases based on applicable legal rules. This is crucial to ensure that every court decision has a clear legal basis and provides legal protection for the public. With legal certainty, the public can know that the law is applied consistently and without bias.

However, in practice, not all cases can be resolved simply by rigidly applying legal rules. In some circumstances, judges also need to consider the prevailing sense of justice in society. This is because the primary purpose of law is not only to create certainty, but also to achieve justice for all parties involved in a dispute.

In this context, judges have the authority to interpret the law when faced with unclear rules or when the literal application of the rules could lead to injustice. Through this legal interpretation, judges can adapt the application of the law to the concrete conditions that occur in a case so

that the resulting decision not only provides legal certainty but also reflects a sense of justice.

The judge's critical role in balancing legal certainty and justice is also evident in the decisions issued by the Supreme Court, Indonesia's highest judicial institution. Supreme Court decisions not only resolve the case under review but also serve as guidelines for lower courts in deciding similar cases. Therefore, in each of its decisions, the Supreme Court is expected to consider both legal certainty and justice.

According to Sudikno Mertokusumo, judges in deciding cases not only act as "mouthpieces of the law," but also as enforcers of justice who must be able to understand the values prevailing in society. This shows that judges have a responsibility to ensure that the law they apply is not only formally correct, but also fair to the parties involved in the case.

Thus, it is understandable that in judicial practice, judges have a crucial role in balancing legal certainty and justice. Through appropriate legal considerations, judges are expected to produce decisions that not only provide legal certainty but also reflect the value of justice, which is the primary goal of the law itself.

C. Conclusion

Based on the discussion above, it can be concluded that legal certainty is one of the key principles in the Indonesian legal system. Legal certainty is necessary for the law to provide clear, consistent rules that can be applied fairly to all members of society. In the Indonesian context, the concept of legal certainty cannot be separated from the values of Pancasila, which serve as the foundation of the state and guideline for the formation and implementation of law.

In the practice of law enforcement, the application of legal certainty must always be balanced with considerations of justice. Judges have a crucial role in balancing these two principles when deciding a case. Through appropriate legal considerations, judges are expected to be able to produce decisions that not only provide legal certainty but also reflect a sense of justice for the community. In this regard, decisions issued by the Supreme Court, as the highest judicial institution, have a crucial role in maintaining the consistency of legal application and serving as a guideline for other courts in enforcing the law fairly.

Therefore, efforts are needed to continuously improve the implementation of the principle of legal certainty in the Indonesian justice system, while still paying attention to the values of justice that exist in society. Law enforcement officials, especially judges, are expected to be more careful and prudent in interpreting and applying the law so that the resulting decisions not only provide legal certainty but also fulfill a sense of justice for the parties involved in the case. Furthermore, balancing the legal system based on the values of Pancasila must be continuously carried out so that law in Indonesia can operate fairly, humanely, and beneficially for society.

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Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

None

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

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