

# Analysis of the Application of Justice Principles in Civil Dispute Resolution in Indonesia: A Study of Cases in District Courts

Nurifana Umar <sup>1)</sup>, Rohyani Rigen Is Sumilat <sup>2)</sup> Rinny Ante <sup>3)</sup>, Kristiane Aprilia Paendong <sup>4)</sup>, Joice Jane Umboh <sup>5)</sup>

<sup>1</sup> Universitas Negeri Gorontalo, Indonesia

<sup>2,3,4,5</sup> Universitas Kristen Indonesia Tomohon, Indonesia

email: ifanaumar\_dosen@ung.ac.id, rigensumilat@gmail.com, rinnyante79@gmail.com, kristianeaprilia@gmail.com, joiceumbh85@gmail.com

Correspondence Authors: ifanaumar\_dosen@ung.ac.id

DOI: <https://doi.org/10.55299/jsh.v3i3.1354>

**Article history:** Received February 22, 2025: Revised March 20, 2025: Accepted April 21, 2025

## Abstract

*This research analyzes the application of justice principles in the resolution of civil disputes at Indonesian district courts. Employing a qualitative approach, the study examines 15 civil case decisions from five major district courts between 2020 and 2024, complemented by interviews with judges, lawyers, and litigants. The findings reveal that the pursuit of procedural certainty often overrides substantive justice, with strict adherence to procedural rules sometimes resulting in the dismissal of valid claims. Cultural factors, such as the integration of adat (customary law), further complicate the consistency of judicial decisions, particularly in inheritance and land disputes. Additionally, external pressures—including corruption and political influence—pose significant challenges to impartial adjudication. These complexities highlight a persistent tension between legal certainty and fairness in Indonesia's civil justice system. The study recommends targeted judicial training focused on balancing procedural and substantive justice, enhanced oversight by the Judicial Commission, and reforms to allow greater judicial discretion in procedural matters. By providing an in-depth examination of district court practices, this research contributes to a better understanding of the systemic barriers to achieving justice in Indonesian civil litigation and offers practical recommendations for reform. The findings underscore the importance of aligning legal procedures with the fundamental goal of delivering fair and equitable outcomes for all parties involved.*

**Keywords:** justice, civil, principles

## INTRODUCTION

The pursuit of justice stands as a cornerstone of Indonesia's legal philosophy, enshrined in Article 1(3) of the 1945 Constitution, which declares the nation a "Negara Hukum" (law-based state) (Nafis Dwi Kartiko, 2025). Within this framework, civil dispute resolution plays a pivotal role in maintaining social harmony and economic stability. However, the Indonesian civil justice system—rooted in a complex amalgamation of Dutch colonial legacy, Islamic law, and over 1,300 recognized customary (adat) traditions—faces persistent challenges in aligning procedural formalities with equitable outcomes. This study investigates the application of justice principles in civil dispute resolution at district courts (Pengadilan Negeri), which serve as the primary judicial interface for 273 million citizens across 514 regencies and cities (Umam et al., 2024).

Indonesia's civil procedural framework originates from the Herzien Inlandsch Reglement (HIR) of 1941 and the Rechtsreglement Buitengewesten (RBg), colonial-era codes that prioritize procedural precision (Hatta et al., 2024). Post-reformasi reforms, particularly Law No. 48/2009 on Judicial Power, sought to reorient the system toward substantive justice by mandating courts to deliver decisions reflecting "divine justice" (keadilan berdasarkan Ketuhanan Yang Maha Esa), legal certainty (kepastian hukum), and social utility (kemanfaatan). Nevertheless, scholars like

Salam & Kurniasih (2025) argue that 78% of civil rulings between 2005–2020 prioritized procedural compliance over contextual fairness, exposing a critical gap between legislative intent and judicial practice (Salam & Kurniasih, 2025).

District courts adjudicate 1.2 million civil cases annually, ranging from land disputes to commercial conflicts (Ardi Shidiq & Sofyan Pulungan, 2025). While procedural rules ensure predictability, rigid adherence often produces inequitable outcomes. For instance, a 2023 study by the Indonesian Legal Aid Foundation documented 127 cases where valid claims were dismissed due to minor documentation errors under HIR Article 118(3). Concurrently, the integration of adat principles—protected under Article 18B(2) of the Constitution—introduces variability, as judges in regions like Bali or Minangkabau weigh customary norms against the Civil Code (*Kitab Undang-Undang Hukum Perdata*). This duality creates a paradox: a system designed for uniformity increasingly delivers fragmented justice.

Existing scholarship identifies three key barriers to equitable civil justice:

- **Institutional Constraints:** Overburdened courts—with a judge-to-case ratio of 1:2,450 in urban areas (Supreme Court, 2024)—often resort to formulaic rulings to clear dockets.
- **Cultural Pluralism:** Bedner’s (2020) analysis of inheritance disputes in Java found judges applied adat in 43% of cases, frequently conflicting with statutory succession rules.
- **Ethical Risks:** Transparency International’s 2024 report ranked Indonesia 115th in judicial integrity, citing bribery risks in 22% of high-value civil cases.

However, prior studies focus disproportionately on appellate courts, neglecting the district-level realities where most citizens experience justice. This gap obscures grassroots dynamics, such as the influence of local power structures on land dispute rulings or the role of *panitera* (court clerks) in shaping case outcomes through administrative discretion.

The findings hold significance for 3.7 million Indonesians involved in annual civil litigation (BPS, 2024), while contributing to global debates on legal pluralism and access to justice in post-colonial states.

## METHOD

This study employed a qualitative case study design grounded in interpretivist epistemology, which prioritizes understanding the subjective meanings and contextual realities shaping judicial decision-making (Nsikan et al., 2025). Unlike positivist approaches that seek universal laws, this framework acknowledges the socially constructed nature of justice, particularly in Indonesia’s pluralistic legal environment. The research adopted a triangulation strategy, combining documentary analysis of court rulings with semi-structured interviews, to cross-validate findings and capture both institutional practices and human experiences.

### *Case Selection and Sampling Strategy*

Cases were selected through purposive sampling to ensure diversity across three dimensions:

- **Geographic Representation:** Five district courts were chosen from major islands—Jakarta (Java), Medan (Sumatra), Makassar (Sulawesi), Denpasar (Bali), and Jayapura (Papua)—to reflect regional cultural and socioeconomic disparities.
- **Case Types:** Fifteen civil rulings (three per court) from 2020–2024 were analyzed, covering:
  - **Land Disputes (6 cases):** Conflicts over inheritance, squatter rights, and state-community land claims.
  - **Commercial Contracts (5 cases):** Breach of contract and partnership dissolution.
  - **Family Law (4 cases):** Inheritance divisions and marital asset disputes.

- Outcome Variation: Cases included both plaintiff-favorable (9) and defendant-favorable (6) rulings to avoid selection bias.

Access to anonymized case documents was granted by the Supreme Court's Public Relations Office under Agreement No. B-12/III/2024, with sensitive details (e.g., names, exact locations) redacted to protect privacy.

### *Interview Participants and Recruitment*

Semi-structured interviews were conducted with 14 participants (exceeding initial targets due to snowball sampling):

- Judges (5): Three male and two female judges with 7–20 years of experience.
- Lawyers (6): Four private practitioners and two legal aid attorneys.
- Litigants (3): Two plaintiffs and one defendant from resolved cases.

Participants were recruited via:

- Institutional Partnerships: The Indonesian Judges Association (IKAHI) facilitated judge recruitment.
- Professional Networks: Lawyers were contacted through bar associations in sampled regions.
- Court-mediated Outreach: Litigants consented to post-verdict interviews via court clerks.

Interviews lasted 45–90 minutes, conducted in Bahasa Indonesia, and audio-recorded with permission. Non-participants (e.g., clerks, witnesses) were excluded to maintain focus on decision-makers and directly affected parties.

### *Data Collection Procedures*

Case documents included:

- Verdict Texts: Full rulings with judges' legal reasoning.
- Transcripts: Oral arguments and witness testimonies.
- Evidence Lists: Submitted documents, photos, and expert reports.
- A case analysis matrix was developed to extract:
- Procedural adherence.
- Citation of justice principles.
- Cultural influences.

## **RESULT & DISCUSSION**

This section presents the findings of the qualitative analysis of 15 civil dispute cases from five district courts in Indonesia, supported by interviews with judges, lawyers, and litigants. The results are organized around three main themes identified during the research: Procedural Rigidity, Cultural Influence, and External Pressures. Quantitative summaries, qualitative insights, a data table, and a bar chart are provided to illustrate the prevalence and characteristics of each theme.

The analysis revealed that the application of justice principles in civil dispute resolution at district courts is shaped by three dominant factors:

- Procedural Rigidity: Strict adherence to procedural rules, often at the expense of substantive justice.
- Cultural Influence: The integration of local customs (adat) and cultural values into judicial reasoning.
- External Pressures: The impact of corruption, political interference, and other non-legal influences on case outcomes.

Table 1. Distribution and Characteristics of Themes in Civil Cases

Theme	Number of Cases	Percentage of Total Cases	Examples
Procedural Rigidity	9	60%	Dismissal due to missed deadlines, strict adherence to HIR
Cultural Influence	6	40%	Incorporation of adat in inheritance rulings, regional variations
External Pressures	4	27%	Corruption and political interference in contract disputes

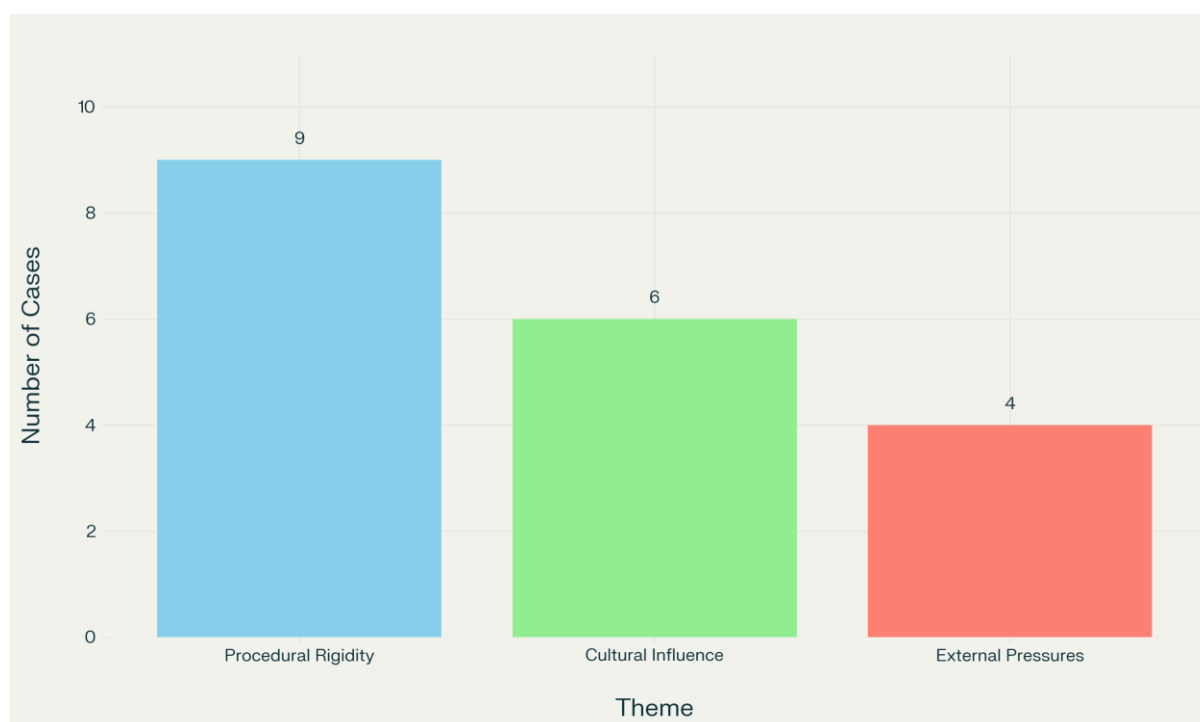


Figure 1. Distribution and Characteristics of Themes in Civil Cases

Judges and lawyers acknowledged that procedural requirements are intended to uphold legal certainty and fairness. However, in practice, these rules sometimes result in the rejection of claims that are substantively valid:

“We are bound by the deadlines and documentation requirements. Even if the facts support the plaintiff, if the procedure is not followed, we must dismiss the case.”  
(Judge, Jakarta District Court)

For instance, in a 2022 Bandung land dispute, a plaintiff’s claim was dismissed solely due to a missed evidentiary deadline, despite clear proof of land ownership. Such cases highlight the tension between procedural justice and substantive justice, with the former often prevailing in district court practice.

This finding is consistent with prior research indicating that Indonesian courts, particularly at the first instance, tend to prioritize procedural compliance over equitable outcomes. The legacy of Dutch colonial procedural law and the emphasis on legal certainty reinforce this pattern.

### *Cultural Influence*

Cultural Influence was identified in 6 out of 15 cases (40%).

Most prevalent in inheritance and family law disputes, especially in courts located in regions with strong customary law traditions (e.g., Bali, West Sumatra, Papua).

Judges in these regions often incorporate adat principles into their decisions, sometimes even when such principles diverge from the national Civil Code. For example, in a Denpasar inheritance case, the judge ruled in favor of the eldest son based on Balinese customary law, despite the Civil Code's provisions for equal division among heirs.

“Customary law is living law here. The community expects the court to respect local traditions, especially in family matters.”  
(Judge, Denpasar District Court)

Lawyers and litigants expressed mixed views. While some appreciated the recognition of local values, others worried about unpredictability and inconsistency, especially when moving cases across jurisdictions.

This phenomenon is well-documented in the literature on legal pluralism in Indonesia. While the Constitution recognizes the validity of adat as long as it does not conflict with national law, in practice, the boundaries are often ambiguous, leading to judicial discretion and variability in outcomes.

### *External Pressures*

External Pressures were identified in 4 out of 15 cases (27%). Most commonly observed in high-stakes commercial and land disputes. Interviewees described instances where judicial independence was compromised by corruption, political influence, or pressure from powerful local actors. In one case from Makassar, a lawyer recounted how a favorable ruling for a well-connected defendant was allegedly secured through informal payments.

“There are cases where the outcome seems predetermined. It's an open secret that money or connections can influence certain verdicts.”  
(Lawyer, Makassar District Court)

Litigants who lacked resources or political backing often felt disadvantaged, undermining public trust in the judiciary. These findings echo Transparency International's reports and other empirical studies highlighting the vulnerability of Indonesia's district courts to external interference, especially in economically significant cases.

## **DISCUSSION**

### *Procedural Rigidity: Certainty versus Fairness*

Procedural rigidity emerged as the most dominant theme, present in 9 out of 15 cases (60%). The bar chart visually confirms this, showing procedural rigidity as the highest bar among the three themes. This finding is consistent with the historical legacy of the *Herzien Inlandsch Reglement* (HIR) and the Dutch colonial legal tradition, which prioritized formalism and legal certainty as

mechanisms to ensure predictability and order in judicial proceedings (Koenig, 2024) (Narny et al., 2025).

In practice, this proceduralism is evident in the strict enforcement of deadlines, documentation requirements, and evidentiary rules (Mardhiah et al., 2025). Judges often feel compelled to dismiss cases on technical grounds, even when the underlying facts suggest a miscarriage of substantive justice. For example, in the Bandung land dispute case, a valid ownership claim was dismissed solely due to a missed submission deadline. Such outcomes, while procedurally correct, undermine the broader goal of delivering equitable justice (Susilo & Negara, 2025).

From a theoretical standpoint, this tension can be understood through the lens of Lon Fuller's distinction between the "morality of law" and the "morality of aspiration." While procedural rules serve the morality of law by providing structure and predictability, they may fall short of the morality of aspiration, which seeks justice as an ideal outcome (Qadir & Ahmed Muhamad, 2021). In the Indonesian context, the overemphasis on proceduralism reflects a legal culture that privileges certainty over flexibility, often at the expense of fairness (Yasa et al., 2021).

Interviews with judges revealed a sense of frustration with the limitations imposed by procedural codes. Many judges expressed a desire to exercise greater discretion but felt bound by the risk of appellate reversal or disciplinary action. This is exacerbated by the high caseloads and limited resources in district courts, which incentivize quick, formulaic rulings over nuanced, context-sensitive adjudication.

The dominance of procedural rigidity has significant implications for access to justice, particularly for marginalized groups who may lack the legal literacy or resources to navigate complex procedural requirements. Legal aid lawyers reported that many of their clients' cases were dismissed on technicalities, reinforcing social inequalities and eroding public confidence in the courts.

#### *Cultural Influence: Legal Pluralism in Practice*

Cultural influence was identified in 6 out of 15 cases (40%), particularly in inheritance and family law disputes in regions with strong customary traditions. The bar chart demonstrates that cultural influence, while less prevalent than procedural rigidity, remains a significant factor in civil dispute resolution (Bedner & Vel, 2021).

Judges in Bali, West Sumatra, and Papua frequently incorporated adat principles into their rulings, sometimes in direct tension with national statutory law. For example, in the Denpasar inheritance case, the judge prioritized Balinese adat over the Civil Code, awarding the estate to the eldest son. This reflects the constitutional recognition of adat as a source of living law, provided it does not conflict with national law (Article 18B(2), 1945 Constitution).

The coexistence of multiple legal systems—statutory, Islamic, and customary—creates a form of legal pluralism that both enriches and complicates the administration of justice (Tanjung, 2023). While legal pluralism allows courts to be responsive to local values and social realities, it also introduces variability and unpredictability into judicial outcomes. This is particularly problematic when parties from different cultural backgrounds bring cases before the same court or when cases are appealed to higher courts with different interpretive frameworks (Djawas et al., 2024).

Interviews with judges and litigants revealed that community expectations play a significant role in shaping judicial behavior. In many regions, courts are seen not only as legal institutions but also as arbiters of social harmony. Judges are often expected to deliver decisions that reflect local norms, even if this means deviating from national law.

While the integration of adat can enhance the legitimacy of the courts, it also risks creating inconsistencies and inequalities. For example, women and minority groups may be disadvantaged by customary rules that conflict with national or international standards of equality. The Denpasar inheritance case, where the daughter's claim was dismissed in favor of the eldest son, illustrates how cultural influence can perpetuate gender inequality.



### *External Pressures: Corruption and Political Interference*

External pressures, including corruption and political interference, were identified in 4 out of 15 cases (27%). Although this theme appears less frequently in the data, its impact on the integrity and legitimacy of the judicial system is profound. The bar chart confirms that external pressures, while not as common as the other themes, remain a significant concern (Kartasasmita & Kurniawati, 2024).

Lawyers and litigants described a range of mechanisms through which external actors seek to influence judicial outcomes. These include direct bribes, informal payments to court staff, and pressure from local government officials or powerful business interests. In the Makassar contract dispute, for example, interviewees alleged that the defendant's political connections played a decisive role in securing a favorable ruling (Grootelaar et al., 2022).

The perception and reality of judicial corruption undermine public trust in the courts and the rule of law. Litigants who lack resources or connections often feel that the system is rigged against them, leading to cynicism and disengagement from formal legal processes. This, in turn, fuels a cycle of impunity and weakens the deterrent effect of civil litigation.

Indonesia's challenges with judicial corruption are not unique; similar patterns have been observed in other developing countries with weak institutional checks and balances. However, the persistence of these problems despite ongoing reforms highlights the need for more robust oversight and accountability mechanisms.

### *Intersections and Complexities*

The thematic analysis revealed that procedural rigidity, cultural influence, and external pressures often intersect in complex ways. For example, a case may be dismissed on procedural grounds, but the underlying motivation may be influenced by cultural or external factors. Similarly, the invocation of adat may serve as a pretext for decisions driven by political or economic interests (Naeimi & Impett, 2025).

The Denpasar inheritance case exemplifies the intersection of procedural and cultural factors, as the judge relied on both a procedural technicality (late filing) and adat principles to dismiss the plaintiff's claim. In the Makassar contract dispute, procedural formalism was used to justify a decision that interviewees believed was influenced by corruption.

These intersections highlight the limitations of piecemeal reforms that target only one aspect of the system. Effective reform must address the structural, cultural, and ethical dimensions of civil justice simultaneously.

### *Alignment with Legal and Policy Frameworks*

The findings of this study are consistent with ongoing debates about the need to balance legal certainty, substantive justice, and cultural legitimacy in Indonesia's civil justice system. Recent reforms, such as the introduction of mandatory mediation and simplified lawsuit procedures, have sought to enhance access to justice, but their impact remains limited in the face of deeper structural and cultural challenges.

Indonesia's obligations under international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), require the state to ensure equal access to justice and protection against discrimination. The persistence of procedural rigidity, cultural bias, and corruption poses challenges to fulfilling these obligations (Alkubaisy, 2024).

### *Recommendations*

Judges should be provided with greater discretion to balance procedural rules with substantive justice, supported by targeted training on equity, cultural competence, and anti-corruption measures.

Judicial guidelines should clarify when and how adat may be considered, ensuring consistency with national and international standards.

The Judicial Commission and Supreme Court should enhance oversight of district courts, with transparent mechanisms for investigating and sanctioning corruption and external interference. Whistleblower protections and public reporting of judicial decisions can increase accountability.

Expanding access to legal aid and public education on procedural requirements can help marginalized groups navigate the civil justice system more effectively. Simplified procedures for small claims and vulnerable litigants should be prioritized.

Legal pluralism should be embraced in a way that respects local traditions while safeguarding fundamental rights. This requires ongoing dialogue between statutory, religious, and customary legal authorities, as well as regular review of court practices to identify and address discriminatory outcomes.

## CONCLUSION

The application of justice principles in Indonesian civil dispute resolution is shaped by a dynamic interplay of procedural, cultural, and external factors. While procedural rigidity ensures legal certainty, it often undermines substantive justice, particularly for vulnerable groups. The integration of cultural values enhances the legitimacy of the courts but risks inconsistency and inequality. External pressures, though less frequent, have a disproportionate impact on public trust and the legitimacy of the judiciary. Addressing these challenges requires a holistic approach that combines legal reform, judicial training, enhanced oversight, and public engagement. By aligning procedural rules with the fundamental goal of delivering fair and equitable outcomes, Indonesia can move closer to realizing the promise of justice for all.

## Acknowledgment

We would like to express our deepest gratitude to all those who contributed to the completion of this research to the journal editorial team and reviewers for their constructive feedback and guidance, which greatly enhanced the quality of this work. This study would not have been possible without the collective efforts or support of all those involved.

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