

Understanding the Meaning of Justice in the Judge's Verdict for Private Cases in Indonesia

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ABSTRACT : *This research aimed to understand the values of procedural and substantive justice that given by the judges in deciding in private cases in the district court of Indonesia. The main problem in this study is related to the judge's verdict if its content reflects to the values of justice both a substantive and procedural justice. This study was classified as a doctrinal legal research with the object of study about judge's verdict of private cases in the district court. The number of judge's verdict which was examined is about 39 pieces with a variety of cases covering disputes over land rights, the agreement, ownership of the building, heritage, auctions, and confiscation execution. The results of the study showed that the contents of judge's verdict have not fully reflect to the value of substantive and procedural justice. The measurement results showed procedural justice as much as 22.65% on judge's verdicts that have not been assessed in accordance with the parameters of procedural justice. The measurement results of substantive justice indicate that: a total of 66.24% ruling have not noticed completeness legal sources associated with substantial elements of the basis of the claim or answer put forward by the parties; a total of 50.44% ruling have not fully reflect the logical legal reasoning; none at all (0%) decision that explores the values that live in the community. Based on these results, it is recommended the following matters: a need to audit the performance of the judge in the District Court in making a decision to ensure that the decision to provide both procedural and substantive justice to those seeking justice; it should be efforts to increase knowledge, skills and professionalism of judges in making a decision in the District Court; should be applied to a system of reward and punishment to the judge in the District Court to improve the performance of judges in handling cases.*

KEYWORDS : *Meaning of Justice, Judge's Verdict, Private Cases*

I. INTRODUCTION

Based on the finding of several studies that have been conducted by the Judicial Commission of Republic Indonesia, revealed the presence of various problems faced by judges in the decision constructing process in the judiciary. Those problems include, among others: (1) There was not creativity and improvisation for judges in the case deciding; (2) The power of judge's interpretation was not adequate; (3) The pattern of judge's formal logic dominated strongly in the decision making; (4) The judge misapplied the law; (5) The decision of the judge only followed the legal formal aspect; (6) The judge's thinking was very linear, normative and not progressive, so misinterpret the criminal elements; (7) The judge was unable to make an intelligent decision and not able to penetrate new ideas; (8) The judge's decision was very rigid and trapped in the legal structure formally; (9) The decision of the judge simplified copying the previous decision; (10) The judge did not want to learn to make intelligent legal analysis and sharp; (11) Judges were not creative in finding construction law; (12) The decision of a judge wounded sense of justice; (13) The verdict reflected the formal justice; (14) The judge's decision in the corruption cases, the punishment was too light; (15) The judge's *Ratio decidendi* was weak in the verdict, thus including *bad law*; (16) The judge simply act as a moderator; (17) The judge was only as a funnel rules; (18) The judge did not resolve the dispute, but actually create new disputes; (19) Judge was less attention to the public interest; (20) Consideration of judges was very dry. From the results of the Judicial Commission notes that it can be said that the judge's decision-making process contains a lot of problems that have implications for the poor quality judgments, especially viewed from the aspect of justice is to be realized.

Viewed from the internal law perspective (normative), indeed there is nothing wrong when a judge ruled on guilt or innocence. Similarly, judges impose lighter penalties, fair, or serious against to the defendants/plaintiffs. However, if it is viewed from an external law perspective (socio-legal), the condition is presumably still a lot of suspicion and academic problems related with the process and the dynamics that occur in the decision-making, especially from the perspective of justice that must be realized by the judges. Therefore, this study will not intend to blame the verdict, but wanted to review the process that takes place is done by the judges in the district court from the perspective of justice, so that will unfold the meaning of justice given by the

judges in the sentencing process. This is the importance of this research to uncover the meaning of justice given by the judges in the decision and its implications in constructing decision handed down. The task of judges can not be separated from the interpreting of the legal texts and regulations that form the basis of judgment of events or facts in the judiciary. The main problem that is analyzed in this study is formulated as follows: Is it true that the judge's verdict has reflected the value of substantive and procedural justice in the private field?. To measure the value of justice is based on the following parameters: (1) Had the judge's verdict followed the proper procedural law?; (2) Had the judge's verdict been able to prove the elements of being sued?; (3) Had the judge's verdict reflected a coherent and systematic legal reasoning?; (4) Had the judge's verdict dug the values that live in the community?

II. RESEARCH METHOD

This study is a doctrinal legal research. The approach of the study is based on the case study approach that examines the cases in the field of private law contained in the judge's verdict. Way in which to obtain law material begun by exploring and identifying cases that have been decided by the judges in the district courts in private cases and then made choices relevant cases. Of the selected cases are then performed a quantitative analysis based stuffing a list of questions to explore and evaluate the fairness of the decision based on the parameters that have been developed by researchers. The analysis in this study is more emphasized to explore the content of the judge's verdict related to the procedural and substantive justice contained in the judge's verdict. Conceptually, the analysis needs to be based on parameters of justice such as on the Table 1 below.

Table 1. The Basic Assumptions and Parameters Substantive and Procedural Justice on Judge's Verdict in the District Court

Basic Assumptions of Substantive Justice	Basic Assumptions of Procedural Justice
<ul style="list-style-type: none"> Justice related to the content of the judge's verdict in checking, hearing and deciding a case to be made based on considerations of rationality, honesty, objectivity, impartiality, without discrimination and based on the judge conviction judge. The results of the measurement, if the value was positive, it was considered to meet the substantive justice, otherwise if the result of taking the measurements was negative, then it was not substantive justice. 	<ul style="list-style-type: none"> Justice relating to the protection of the legal rights of the parties (plaintiff or defendant or interested parties) in every stage of the proceedings in the court The results of the measurement, if the value is positive, it was considered there is procedural justice, otherwise if the value of the measurement result was negative, then it was not procedural justice.
Parameters	Parameters
<p>Has the judge's verdict noticed the completeness of legal source related to the substantial elements from the claims or answers that were presented by the parties? This question is translated into:</p> <ul style="list-style-type: none"> What was the basic action / answer used by the parties? Were there some contrasres between the ruling of the judge's verdict and the basis of a lawsuit that filed by the parties? Did judges use the other judge's verdict (jurisprudence) to make considerations in deciding the problems ? Were judges also using legal sources of legal doctrine in formulating a basic of legal consideration? Did the judge's verdicts considerate the living legal values that live in the community, such as customary law, local laws, and or habits? Did the judge's verdicts considerate all the basic elements of a lawsuit that filed by parties? <p>Do the judge's verdicts notice the legal reasoning that reflect to the logical, coherent and systematical legal reasoning? The question is translated into:</p> <ul style="list-style-type: none"> Did judges give the deep analysis of the facts and the law before dropping the decision? Did the judge's ruling form the logical conclusion related to the facts and the its law? Were the legal facts that disclosed in the decision systematically and coherently arranged so easy to understand? In the decission, do judges interpret the law or contract contents by using the method of the legal finding beyond the grammatical and authentic interpretation of law? In the decision, do judges conduct the legal finding by using the method of legal construction? Was there a conclusion in the judge's verdict that was too forced and unsupported by the facts and the legal considerations? 	<p>Has the judge's verdict followed the private procedural law? This question is translated into:</p> <ul style="list-style-type: none"> Does the decision already contain the things that must be present in a court decision as defined in article 2 paragraph (1) of Law no. 48/2009 and article 184 HIR/195 RBG? Has the judge's verdict been looking at the evidence that was valid according to article 164, 153, and 154 HIR or 284, 180, and 181 RBG, which is used in deciding cases? Was the application of the law of evidence in accordance with the agreements or legislation, doctrine and or jurisprudence? Were judges already contains proportionally between plaintiff and defendant arguments in its consideration? Was the day or date on which deliberation judges district Court (in decision making) in contrast to the day or date of the decision?

<p>Has the judge's verdict dig the living values in the community? This question is translated into:</p> <ul style="list-style-type: none"> • Have judges identified some non-judicial factors like psychological, social, economic, educational, environmental, religious factor in setting the judge's ruling? • Are those non-judicial factor relevant with the decision? 	
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Source: Adapted from Term of Reference of Judge's Verdict Research, Judicial Commission of Republic Indonesia 2012, with the necessary simplification based on the theories of substantive and procedural fairness.

III. ANALYSIS AND DISCUSSION

The object of this study was related to a court decision that decided private cases in the District Court. Based on the data collection, acquired as much as 39 pieces of judge's verdict in private field . The type of cases of data collection result can be seen on the Table 2 below.

Table 2. Various of the analysed Judge's Verdict of Private Cases in the District Court

No	Decision Number	Type of Cases	District Court
01	17/ PDT.G/2011/PN.BB	Bank loans	PN Bale Bandung
02	120 /Pdt .G/2 01/PN.BB.	Assurance Certificate of Land	PN Bale Bandung
03	372/PDT/ G/ 2010/PN.BDG	Land lease	PN Bandung
04	206/PDT/G/2010/PN.Bdg.	Debts	PN Bandung
05	59/PDT/G/2010/PN.Bdg.	Debts	PN Bandung
06	56/PDT/G/2010/PN.BDG	Default buying and selling land	PN Bandung
07	298/PDT/G/2009/PN.BDG.	Determination of seizure execution	PN Bandung
08	307/PDT/G/2009/PN.BDG.	Payment of capital	PN Bandung
09	13/PDT.G/2011/PN.BTM	Building Ownership	PN Batam
10	38/Pdt.G/2008/PN.BTM.	Termination Governing Party	PN Batam
11	118/PDT.G/2010/PN.BTM	Ownership Broking	PN Batam
12	94/Pdt.G/2011/PN.JR	Land ownership	PN Jember
13	81/Pdt.G/2011/PN.JR	Resistance loan collateral	PN Jember
14	68 / PDT.G/2011/PN. Jr.	Resistance auction land	PN Jember
15	45/Pdt.G/2012/PN.PL.R	Ownership	PN Palangkaraya
16	46/Pdt.G/2012/PN.PL.R	Ownership Broking	PN Palangkaraya
17	66 / PDT.G/2009/PN.PRA	Inheritance	PN Palangkaraya
18	111/Pdt/G/2002/PN.Smg	Ownership of land	PN Semarang
19	03/PDT/G/2011/PN.Slw.	Termination village head	PN Slawi
20	64/Pdt.G/2011/PN.Sby	Ownership of land	PN Surabaya
21	120/Pdt.G/2011/PN.Ska	Ownership rights to build	PN Surakarta
22	164/Pdt.G/2011/PN. Ska	Ownership of land	PN Surakarta
23	45/PDT.G/2011/PN.TNG	Adverse action directors	PN Tangerang
24	208/PDT.G/2011/PN.TNG.	Default buying and selling	PN Tangerang
25	35/Pdt .G/2011/PN.TNG	Default borrowing money	PN Tangerang
26	75/ PDT.G / 2011 PN.TNG.	Default transfer of land	PN Tangerang
27	179/PDT.G/2010/PN.TNG	Borrowing money	PN Tangerang
28	314 /Pdt .G/ 2 010/PN.TNG	Shareholding	PN Tangerang
29	562/PDT.G/2010/PN.TNG	Ownership of land	PN Tangerang
30	53 /Pd t .G/ 2009/PN.YK	Health center project	PN Yogyakarta
31	53 /Pd t .G/ 2009/PN.YK	Default of agreement	PN Yogyakarta
32	62 /Pd t .G/ 2010/PN.YK	Default investment agreement	PN Yogyakarta
33	74/PDT.G/2009/PN.YK	Land disputes tenant	PN Yogyakarta
34	01/Pdt.G/2009/PN.JKT.Sel .	Default Investment Agreement	PN Jakarta Selatan
35	1025 /Pdt .G/2004/PN. JakSel	Default in the transport	PN Jakarta Selatan
36	28/Pdt .G/ 1999 /PN.Wng	Dispute over the division of the estate	PN Wonogiri
37	178/Pdt.G/2011/PN.Ska.	Default certificate solving	PN Surakarta
38	193/Pdt.G/2011/PN.Ska	Default	PN Surakarta
39	205/Pdt.G/2011/PN.Ska	Land ownership disputes	PN Surakarta

Sources: Secondary Data Processed from District Court Decisions

From a total of 39 court decisions in the private sector, as mentioned in that Table 2 have been done an data analyzing quantitatively and its result are presented in this Table 3 below.

Table 3. The Results of Data Analyzing of Court Decisions in Private Cases

No	Case Number	Frequency Answers Question 1			Frequency Answers Question 2			Frequency Answers Question 3			Frequency Answers Question 3		
		Y	T	TT	Y	T	TT	Y	T	TT	Y	T	TT
1	03/PDT/G/2011/PN.Slw	5	1	0	2	4	0	3	2	1	0	1	1
2	13/PDT.G/2011/PN.BTM	4	2	0	1	5	0	3	3	0	0	1	1
3	17/PDT.G/2011/PNBB	5	1	0	3	3	0	5	1	0	0	0	2
4	38/Pdt.G/2008/PN.BTM	4	2	0	1	5	0	1	5	0	0	0	2
5	45/PDT.G/2011/PN.TNG	5	1	0	1	5	0	3	3	0	0	1	1
6	45/Pdt.G/2012/PN.PL.R	5	1	0	2	3	1	3	2	1	0	1	1
7	46/Pdt.G/2012/PN.PL.R	4	2	0	1	4	1	3	2	1	0	0	2
8	53/Pdt.G/2009/PN.YK	4	2	0	3	3	0	2	4	0	0	1	1
9	64/Pdt.G/2011/PN.Sby	5	1	0	2	4	0	3	3	0	0	0	2
10	66/PDT.G/2009/PN.PRA	5	1	0	1	5	0	1	3	2	0	0	2
11	94/Pdt.G/2012/PN.	5	1	0	1	5	0	3	3	0	0	1	1
12	111/Pdt.G/2002/PN.Smg	4	2	0	1	5	0	3	3	0	0	1	1
13	118/PDT. G/2010/PN.BT	5	1	0	1	5	0	3	3	0	0	0	2
14	120/Pdt.G/2 010/PN.BB	4	2	0	2	4	0	4	2	0	0	2	0
15	120/Pdt.G/2011/PN.Ska	5	1	0	3	2	1	3	3	0	0	1	1
16	164/Pdt.G/2011/PN.Ska	5	1	0	3	3	0	2	4	0	0	1	1
17	314 /Pdt.G/200/PN.TNG	4	2	0	2	4	0	3	3	0	0	1	1
18	562/PDT.G/2010/PN.TG	5	1	0	3	3	0	3	3	0	0	0	2
19	74/PDT.G/2009/PN.YK	5	1	0	2	4	0	3	3	0	0	2	0
20	28/Pdt .G/ 1999 /PN.Wng	5	1	0	3	2	1	3	3	0	0	1	1
21	68/PDT.G/2011/PN. Jr	4	2	0	1	4	1	4	2	0	0	1	1
22	81/Pdt.G/2011/PN.JR	4	2	0	2	3	0	4	2	0	0	1	1
23	205/Pdt.G/2011/PN.Ska.	5	1	0	0	6	0	3	3	0	0	1	1
24	372/PDT/G/2010/PN.BD	4	2	0	0	5	1	2	3	1	0	1	1
25	35/Pdt .G/2011/PN.TNG	4	2	0	3	3	0	3	3	0	0	1	1
26	53/Pd t.G/2009/PN.YK	4	2	0	1	5	0	3	3	0	0	1	1
27	56/PDT/G/2010/PN.BD	5	1	0	2	4	0	3	3	0	0	1	1
28	59/PDT/G/2010/PN.Bdg	5	1	0	2	4	0	3	3	0	0	1	1
29	62/Pdt.G/2010/PN.YK	5	1	0	1	5	0	4	2	0	0	1	1
30	75/PDT.G/2011/PN.TNG	5	1	0	1	5	0	3	3	0	0	1	1
31	178/Pdt.G/2011/PN.Ska	5	1	0	4	2	0	3	3	0	0	1	1
32	179/PDT.G/2010/PN.TG	5	1	0	4	2	0	3	3	0	0	1	1
33	193/Pdt.G/2011/PN.Ska	5	1	0	1	4	1	3	3	0	0	1	1
34	206/PDT/G/2010/PN.Bdg	1	2	3	2	4	0	2	2	2	0	0	2
35	208/PDT.G/2011/PN.TG	5	1	0	2	4	0	3	3	0	0	1	1
36	298/PDT/G/2009/PN.BD	5	1	0	1	4	1	3	3	0	0	1	1
37	307/PDT/G/2009/PN.BD	4	2	0	1	4	1	2	4	0	0	1	1
38	1025/Pdt.G/ 2004/PN. JS	5	1	0	2	4	0	4	2	0	0	1	1
39	01/Pdt.G/2009/PN.JS	5	1	0	2	4	0	3	3	0	0	1	1
Total		178	53	3	70	154	9	115	111	8	0	33	45

Sources: Secondary Data Processed from District Court Decisions

Description: Y = Yes; T = No; TT = Do not Know.

Based on the findings of the research result then conducted an analyzing and discussing to answer the research problems. The analyzing was emphasized to explore the content of the judge's verdict related to procedural and substantial justice that contained in those decisions. The analyzing results are presented in the following paragraphs.

1.1. The Meaning of Procedural Justice in the Judge’s Verdict

Based on the operating of 5 question items that were broken down from the prosedural justice parameter in the judge’s verdict, the results were presented in this following Table 4.

Tabel 4. The Judge’s Verdict related to the Private Prosedural Law

Have the judge's verdict followed the private procedural law?	Frequency	Percent
Yes	178	76.07
No	53	22.65
Unidentified	3	01.28
Total	234	100.00

Sources: Secondary data processed from judge’s verdict

Based on the Table 4, it was known that there were approximately 22.65% of the judge's verdict not to follow the private procedural law consistently. This means that there were judges who did not apply the private procedural law consistently in the decision making. Things that are overlooked include: (1) Section 2, point (1) of Act No. 48/2009 and Section 184 HIR /195 RBG; (2) Evidences that were valid in accordance with the Section 164, 153, and 154 HIR or 284, 180, and 1 81 RBG, which were used in deciding the cases; (3) The application of the evidence law in accordance with the contract or legislation or doctrine or jurisprudence; (4) Loading the proportionally between plaintiff and defendant arguments in its consideration; (5) Day and date of the judges panel discussion (in decision making) was different with the day and date of the made decision.

The results of this study indicate that there were 22.65% of the judge's verdict from 39 decisions have not fully followed the private procedural law. This means that the procedural justice was neglected by judges. Procedural justice was justice that was very closely with the rights of the parties in the judicial process (defendant / plaintiff / other party). Therefore judges should really be impartial in checking and handling cases in the judiciary. Impartiality was placed as opposed to partial, skew, and prejudice. Conceptually impartiality can be conceptualized as an attitude or act impartially when dealing with two different things or two diametrically opposed interests. Impartial can also be conceived as an attitude or action treats everything equally, without discrimination or without privileging. The judge’s decision in adjudicating a case was impartial qualified to decide if the action was being sued by plaintiffs judge impartially between conflicting parties. Although, the judges should be impartial or unbiased, but he had to side with the truth, the true information, the true facts, the true evidences, and correct regulations.

To measure the impersiality was determined by parameters of: (i) a description of the statements of witnesses with a description of the defendant and the plaintiff's testimony, (ii) in proving the elements of the challenged actions, the judge considered defendant's, plaintiffs’s and wnesse’s testimony; (iii) in proving the elements of defendant's acts and defendant's guilt the gudges have to considerate the informations of the defense counsel or the defendant's defense, and the impartiality of the judges were reflected in the attitude of proving the elements of action and also defendant defendant's guilt under applicable laws.

The Meaning of Substantive Justice in the the Judge’s Verdict

This following study results are going to present the measurements of substantive justice in the judge's verdict. The measurements were based on a three (3) parameters as follows: (1) Completeness of legal sources related with substantial elements of the basis of the claim or the answer given by the parties; (2) Logical legal reasoning i.e. coherent and systematic; (3) Exploring to the living values of law in the community. In the first parameter (1) was obtained the measurement results as presented on the Table 5 below.

Table 5. The judge’s verdict was related to the completeness of relevant legal sources substantial elements of the basis of the claim or answers given by the parties

Has the judge's verdict concerned the completeness of relevant legal sources substantial elements of the basis of the claim or answers given by the parties?	Frequency	Percent
Yes	70	29.92
No	155	66.24
Unidentified	9	03.84
Total	234	100.00

Source: Secondary data processed from district court’s decision

These analyzing results indicated that the judge in making decisions in general (66.24%) did not notice the completeness legal sources related to the substantial elements of the basis of the claim or answer proposed by the parties. There were only 29.92% judge's verdict that concerned to the substantial elements of the basis of the claim or answers given by the parties and the others was not identified (3.84%). In the second parameter (2) was obtained the measurement results as presented in the Table 6 below:

Table 6. Judges' verdict related to the logical legal reasoning

Has the judge's verdict reflected the logical legal reasoning i.e. coherent and systematic?	Frequency	Percent
Yes	115	49.14
No	111	47.44
Unidentified	8	03.42
Total	234	100.00

Source: Secondary data processed from district courts's decision

These analyzing results indicated that the judges in making a decision did not yet fully reflect to the logical legal reasoning (47.44%) and 49.14 judges indicated the logical legal reasoning. The other judges 3:42% were not identified in its decision.

In the third parameter (c) was obtained the measurement results as presented in the Table 7 below:

Table 7. The judge's verdict related with exploring the living values of law in the community

Has the judge's verdict explored the living values of law in the community?	Frequency	Percent
Yes	0	00.00
No	33	42.33
Unidentified	45	93.76
Total	78	100.00

Source: Secondary data processed from the district court's decision

These analyzing results indicated that the judges in making a decision did not one explore the living values of law in the community (0%). Based on the law that exploring the living legal values in the community were duty the judges in the making of decision consideration. Article 5, paragraph (1) of Law No. 48 of 2009 about the Power of Judiciary of Republic Indonesia determined that the judges and constitutional judges have to explore, and understand the values of law and sense of justice that live in the community (Jo. Article 27 paragraph (1) Law No. 14 of 1970). With the construction of legal norms as contained in Article 5 paragraph (1), so the consequences of judges who decided the cases but they did not dig the legal values that live in the community, they must be given a sanction or punishment. However, the weakness of this law did not provide a sanctions for judges who do not dig the legal values that live in the community, so that this article was not become effective in practice.

From the three parameters that becamed parameter to measure the substantive justice, it can be concluded that in general the judge's verdict were not been able yet to achieve substantive justice to the parties who seek justice. Related to the position of jurisprudence as one of the legal source in Indonesia, jurisprudence should be the basis and reference for judges in deciding cases. It was important to enrich the knowledge and information for the judges in the decision making process in order to strengthen the argument and justification for the judge in preparing the legal considerations. Although in the Indonesian legal system did not follow the legal system like in England or America, and the position of case law did not bind on the judge position in deciding cases, but it was urgent for judges as a legal source to solve the problem. According to Mertokusumo (1986: 93) in the Anglo-Saxon system, the court decisions (case law) was binding precedent, whereas in the Continental system, the court decision was persuasive precedent. It means that the decision does not have the binding force but it was only the convincing power. However, since the 19th century the two systems meet each other and at the present time, a sharp boundary of them did not meet again. Recently, in Indonesia can be said that the judges are not absolutely bound by jurisprudence, and vice versa in the Anglo-Saxon countries can be said that the judges were not be bound completely on jurisprudence.

Doctrine and legal theories also have significance for the judges in preparing legal considerations related to the legal scientific foundation. With reference to the doctrine and legal theory, the content of legal consideration obtained the justification scientifically. Without the theory and doctrine in making legal considerations, the contents of the judge's verdict will become dry and far from the scientific justification in terms of the law, so then the decision was far from the truth and justice of law. As we know that the doctrines and scientific theories in law were a source of information to explore the legal truths. Exploring legal values that live in the community was duty the judges in the decision making process. Article 5 section (1) of Law No. 48 of 2009 about Judiciary Power of Republic Indonesia, determined that the judge and constitutional judge must explore, understand the living law, and sense of justice that live in the community (Jo. article 27 section (1) Law No. 14 of 1970). With the construction of the rule of law as contained in Article 5 section (1), then the consequences judge who decided the case did not dig legal values that live in the community, it can be treated the sanction. However, the weakness of the law does not provide for sanctions for judges who do not dig the values of life, so that the article has not become effective.

Therefore, by the absence or not the discovery of jurisprudence, doctrine and exploring legal values that live in the community in the judge's verdict, it can be said that the judge's verdict did not reflect yet a good and comprehensive judge's verdict standard in terms of substance. It has consequences to the weakness of legal considerations that was made by the judges. As we knew that by the jurisprudence, the judges can obtain the more legal source in the making of consideration; by the doctrine and theory of law judges can get the some informations about the scientific truth about the law; and then by the exploring legal values of law that live in community judges can obtain the sociological consideration in solving the cases.

IV. CONCLUSION AND RECOMENDATION

Based on the analysis and discussion, this study can be concluded as following: From the aspect of procedural justice, there was still a judge's verdict that has not been fully followed the the law of private procedure (14%). This means that procedural justice was not reflective yet fully in the judge's verdict. From the aspect of substantive justice the judge's verdict has not been able to achieve the substantive justice to the parties seeking justice. These three parameters indicate: (i) judge in making a decision in general (66.24%) have not noticed completeness legal sources associated with substantial elements of the basis of the claim or answer proposed by the parties; (ii) The judge in making a decision has not yet fully reflected the logical legal reasoning (50.44%); (iii) The judge in making a decision have not one explored the legal values that live in the community (0%). Based on the research conclusions, it can be suggested the following matters: (1) It should be needed to audit the performance of the judge in the District Court in making a decision to ensure that the decision to provide both procedural and substantive justice to those seeking justice; (2) It should be an effort to increase the knowledge, skills and professionalism of judges in making a decision in the District Court; (3) It should be applied to reward and punishment to the judge in the District Court to improve the performance especially in handling cases.

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