

The Limitations and Legitimacy of Judges in Filling Legal Vapor Amidst Demand for Progressive Legal Reform

Hary Kesowo Wibowo*, KMS Herman

Borobudur University, Jakarta, Indonesia, bowo.hkw@gmail.com

Borobudur University, Jakarta, Indonesia, kms_herman@borobudur.ac.id

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*Correspondence: Hary Kesowo
Wibowo

Email: bowo.hkw@gmail.com

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Abstract: *This study aims to analyze the limitations and legitimacy of judges in filling the legal vacuum amidst demands for progressive legal reform in the Indonesian legal system. The legal vacuum (rechtvacuum) is a consequence of societal dynamics that cannot always be balanced by the formation of laws and regulations. In this context, judges have a constitutional and legal obligation to continue examining and deciding cases as mentioned in both Article 24 paragraph (1) of the Republic of Indonesia's 1945 Constitution and Article 5 paragraph (1) and Article 10 paragraph (1) of Law Number 48 of 2009 respecting Judicial Power. This research employs a statutory and conceptual approach using a normative legal strategy. The results of the study indicate that legal discovery (rechtsvinding) is an obligation of judges as a consequence of the principle of ius curiae novit and the principle of the rule of law. However, the expansion of the role of judges within a progressive legal framework must remain within constitutional limits by respecting the system of checks and balances and the idea of separation of powers. The legitimacy of judges in filling legal gaps is determined by a clear normative basis, rational and systematic legal argumentation, and an orientation toward protecting constitutional rights and substantive justice. Thus, the progressive role of judges can contribute to national legal reform without exceeding legislative authority.*

Keywords: *Legal Vacancy, Legal Discovery, Judicial Legitimacy*

Introduction

The development of society, marked by accelerated social change, advances in digital technology, and global economic transformation, has presented serious challenges to the national legal system (Ngafifi 2014). Law, as a normative system, is essentially static in written form, while society is dynamic and constantly evolving. This imbalance between social dynamics and the formation of legislation has created a situation where positive law is unable to always anticipate new, evolving realities. Phenomena such as cross-border electronic transactions, cybercrime, artificial intelligence, and new forms of legal relations in the digital economy demonstrate that regulations often lag behind social practice (Indarta 2025). In this context, the adage that law often lags behind social reality (law lags behind society) applies. Therefore, when regulations are absent or inadequate, a legal vacuum arises that demands an institutional response, particularly from the judiciary (Friedmann 2023).

The phenomenon of legal vacuum, or *rechtvacuum*, in judicial practice refers not only to the absence of explicit norms but also encompasses vague norms (*vage normen*), conflicts between norms (conflict of norms), and norms that are no longer relevant to societal developments (Nasir 2017). A legal vacuum can occur when a legal event is not regulated at all by law, when the formulation of a norm is too general and thus open to multiple interpretations, or when there is a conflict between laws of equal or different hierarchical rank (Suryoutomo, M., & Febriharini 2020). In Indonesian judicial practice, this problem is evident in various cases related to the development of information technology, the protection of personal data before the enactment of specific laws, and in cases that test the constitutionality of norms through judicial review. These conditions demonstrate that a legal vacuum is not merely a theoretical issue, but a concrete reality faced by judges in deciding cases and upholding justice.

Judges are unable to reject the case in the face of such a legal vacuum. According to Law Number 48 of 2009 respecting Judicial Power, Article 10, paragraph (1), courts are not allowed to reject the examination, trial, and decision of a matter on the grounds that the law is vague or nonexistent. Rather, they must investigate and test it. The idea of *ius curiae novit*, which holds that judges are assumed to be knowledgeable about the law, is upheld by this clause. Additionally, judges are required under Article 5 paragraph (1) of the same statute to investigate, adhere to, and comprehend the legal principles and sense of justice that permeate society (Loway 2022). Normatively, these two articles provide a strong foundation for the practice of legal discovery (*rechtsvinding*), where judges are not merely mouthpieces of the law, but actively interpret, construct, and even develop norms to fill legal gaps to ensure certainty and justice.

The expansion of the judge's role is increasingly relevant within the framework of progressive legal reform. The progressive legal paradigm developing in Indonesian legal thought positions law as a means to achieve substantive justice, not merely formal certainty (Al Arif 2019). From this perspective, judges' decisions not only resolve concrete disputes but also have the potential to become a source of legal reform through precedent and the construction of new norms. Court decisions, particularly those of high courts and constitutional courts, often shape new interpretations of statutory norms that are then followed in subsequent judicial practice (Rosadi 2016). Thus, judges act as agents of change in the legal system. However, this progressive role must remain within the constitutional framework as stipulated in Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states, the judiciary is an autonomous body with the power to enforce the law and uphold justice. As a result, this independence is constrained by the idea of the rule of law.

Problems then arise when expanding the role of judges in filling legal gaps has the potential to give rise to accusations of judicial overreach, namely, judges' actions deemed to exceed legislative authority. In the Indonesian constitutional system, which adheres to the principles of separation of powers and checks and balances, the function of law-making is constitutionally vested in the legislative branch of power alongside the executive branch, as stipulated in Article 20 of the 1945 Constitution. When judges, through their decisions, create new norms that are general and broadly binding, debate arises regarding the boundary between legal discovery and legal formation. On the one hand, judges are

obligated to fill legal gaps for the sake of certainty and justice; on the other hand, judges may not take over legislative functions. This tension between legal certainty and substantive justice is at the heart of the issue of the limits of judicial authority and legitimacy in a democratic state governed by the rule of law (Tumpa 2025).

Therefore, examining the limits and legitimacy of judges in filling legal gaps is crucial both academically and practically. Academically, this issue relates to the theory of legal sources, interpretation theory, and the concept of separation of powers in a state governed by the rule of law. Practically, the clarity of these limits directly impacts the quality of court decisions, public trust in the judiciary, and the direction of national legal reform. Without clear conceptual and normative boundaries, the practice of legal discovery has the potential to create inconsistencies and uncertainty. Conversely, without the courage of judges to construct law, legal gaps can hamper the protection of citizens' rights and the upholding of justice. Therefore, research into the limits and legitimacy of judges in filling legal gaps is urgently needed to strike a balance between judicial independence, legal certainty, and the principles of constitutional democracy in the Indonesian legal system.

Methodology

This study employs a normative juridical research approach, which is legal research that views the law as a rule or norm that governs the system of laws and court rulings. The Republic of Indonesia's 1945 Constitution, particularly Article 24 paragraph (1), Law Number 48 of 2009 concerning Judicial Power, particularly Article 5 paragraph (1) and Article 10 paragraph (1), as well as other pertinent laws and regulations, are the primary legal materials studied in this study, along with secondary legal materials in the form of literature, scientific journals, and expert doctrines related to legal vacuum, legal discovery, and the legitimacy of judicial power. The approach used is a statute approach, namely by examining the consistency and hierarchy of norms in the national legal system, as well as a conceptual approach carried out by examining theoretical concepts such as *rechtvacuum*, *rechtsvinding*, judicial activism, separation of powers, and progressive law to build systematic legal arguments regarding the limitations and legitimacy of judges in filling legal vacuums.

The methodology provides a clear overview of the normative juridical approach, as well as the statutory and conceptual approaches employed in the study. However, it does not fully explain how legal interpretation and doctrinal analysis were systematically conducted to assess judicial legitimacy. While the study identifies the relevant legal sources, including constitutional provisions, legislation, judicial decisions, and legal doctrines, it offers only a general description of these materials without detailing the interpretive methods used to analyze them.

Result and Discussion

The Nature of Legal Vacuum and the Obligations of Judges in Legal Discovery

A legal vacuum, or *rechtvacuum*, in legal theory refers to a situation in which an event or legal relationship is not adequately regulated within the prevailing legal system. From a legal positivist perspective, law is understood as a written norm established by an authorized institution. Therefore, when such a norm is unavailable or does not explicitly regulate an event, a normative vacuum arises. However, from a more dynamic perspective,

a legal vacuum does not necessarily mean an absolute absence of norms; it can also manifest as unclear formulations of norms, incomplete regulations, or inconsistencies in norms with societal developments. Thus, a legal vacuum cannot be separated from the static nature of law in the form of codification, while social reality continues to evolve. This condition creates the need for corrective mechanisms within the legal system, one of which is implemented through the judicial function (Afdhal 2024).

In judicial practice, legal vacuums can be classified into several forms. First, an absolute vacuum, which occurs when a legal event is not regulated at all by legislation. Second, relative vacuum, which occurs when norms exist but are vague (vague norms) or multi-interpretive, thus not providing adequate legal certainty. Third, conflict of norms, which occurs when there are conflicts between regulations governing the same object, causing confusion in their application. In all three conditions, judges are faced with a situation where the mechanical application of the law is inadequate. If judges only adhere to the law textually without interpreting and constructing the law, the resulting decision has the potential to ignore the sense of justice and the purpose of the law itself. Therefore, legal vacuums in practice are not a reason to stop the judicial process, but rather provide space for the judge's intellectual and interpretative functions (Atikah 2023).

The fundamental principle that strengthens the obligation of judges to continue to examine and decide cases even if there is a legal vacuum is the principle of *ius curiae novit*, which means that the court is presumed to know the law. This principle implies that judges cannot justify not knowing or not finding a legal basis for rejecting a case. Normatively, This concept is emphasized in legislation Number 48 of 2009 about Judicial Power, Article 10 paragraph (1), which states that courts must review, try, and rule on a case brought on the basis that the legislation is ambiguous or nonexistent. This norm closes the possibility of denial of justice in the Indonesian judicial system. Thus, even in a situation of legal vacuum, judges still have a constitutional and legal obligation to issue a decision (Hantoro, N. M. 2018).

In addition to the prohibition on rejecting cases, the normative basis that strengthens the active role of judges is contained in Law Number 48 of 2009's Article 5, paragraph (1) mandates that courts and constitutional judges investigate, uphold, and comprehend the legal principles and feeling of justice that permeate society. This clause demonstrates that the law is viewed as both a living value and a recorded document (living law). The duty to investigate these legal principles gives judges the authority to apply teleological, social, and systematic interpretations in order to determine the appropriate law. In this context, judges do more than just formally carry out the law, but also as guardians of the values of substantive justice. The argument is strengthened by The Republic of Indonesia's 1945 Constitution's Article 24 paragraph (1) highlights the judicial branch's independent authority to administer justice in order to preserve law and justice, so that the orientation of judges' decisions must not stop at a formal legality, but must be directed towards justice (Putri 2025).

Legal discovery (*rechtsvinding*) is a logical consequence of the judge's obligation. Legally, legal discovery is the judge's intellectual process in finding the appropriate norm

to apply to a concrete event through methods of interpretation, analogy, argumentum a contrario, or other legal constructions. Philosophically, legal discovery is rooted in the view that law is incomplete and thus requires the judge's creative role to bridge the gap between norms and facts. In this context, the judge is not a formal lawmaker like the legislature, but through its decisions, it contributes to the development of law. Therefore, legal discovery is not a deviation from the principle of legality, but rather an internal mechanism within the legal system to maintain the sustainability and relevance of norms (Amin 2023).

Thus, theoretically and normatively, it can be affirmed that the authority and obligation of judges to fill legal gaps have a strong foundation in the Indonesian legal system. Legal gaps are inevitable in a dynamic society, While Article 10 paragraph (1), Article 5 paragraph (1) of the Judicial Power Law, and Article 24 paragraph (1) of the 1945 Constitution offer constitutional legitimacy for judges to make legal discoveries. Without the active role of judges in filling legal gaps, the judicial system has the potential to stagnate and fail to fulfill its main objective, namely to uphold law and justice. Therefore, legal discovery by judges is not only a right, but also a legal obligation and moral imperative in a state based on the rule of law.

Expanding the Role of Judges in the Framework of Progressive Legal Reform

The expansion of the role of judges within the framework of progressive legal reform is inextricably linked to the development of a progressive legal paradigm that positions law as a means to achieve substantive justice, not merely formal certainty. Progressive law is based on the assumption that law exists for humans. Therefore, when written norms are no longer able to meet society's need for justice, interpretive courage is required to align the law with its social goals. In the context of Indonesia's Law enforcement is focused on social justice and human rights protection in addition to formal legality, as stated in Article 1 paragraph (3) of the Republic of Indonesia's 1945 Constitution. Therefore, judges, in carrying out their judicial functions, cannot be trapped in narrow formalism but must interpret norms contextually and teleologically to achieve substantive justice.

The constitutional basis for this expansion of the role of judges is found in Article 24, paragraph (1) of the 1945 Constitution states that the court has the independent authority to administer justice in order to uphold law and justice. The phrase "upholding law and justice" indicates a duality of objectives that must be achieved simultaneously. Judges not only uphold the law in the sense of normative texts, but also make sure that justice is reflected in the decisions that are made. The duty is reinforced by Article 5 paragraph (1) of Law Number 48 of 2009 regarding Judicial Power, which requires judges to research, uphold, and understand the legal standards and sense of justice that exist in society. The norm explicitly provides space for judges to not merely be "mouthpieces of the law," but rather as active interpreters who integrate written norms with developing social values (Annisa 2017).

In practice, the expansion of the role of judges is often associated with the phenomenon of judicial activism, namely the tendency of judges to take a more active role in interpreting and even developing the law through decisions. In the Indonesian legal system, judicial activism is particularly evident in decisions regarding judicial reviews of laws against the

1945 Constitution, where constitutional judges frequently provide progressive constitutional interpretations of statutory norms. Although the authority to form laws formally rests with the President and the House of Representatives, as stipulated in Article 20 paragraph (1) of the 1945 Constitution, judicial practice demonstrates that through constitutional interpretation and legal construction, judges can correct, expand, or narrow the meaning of a norm. This activism is essentially a response to the need to maintain constitutional supremacy and protect citizens' constitutional rights.

In this context, court decisions are no longer viewed solely as resolutions of concrete disputes, but also as instruments of legal reform. Through argumentative decisions based on systematic and teleological interpretation, judges can create new standards that are then followed in subsequent judicial practice. Although Indonesia does not adhere to a formally binding precedent system like the common law tradition, high-level court decisions have a strong normative influence in practice. Thus, through their interpretive function, judges help shape the direction of national legal development. This is a consequence of the obligation of judges not to reject cases, as stipulated in Article 10 paragraph (1) of Law Number 48 of 2009, which implicitly encourages judges to discover and even develop law when existing norms are inadequate.

The relationship between legal interpretation, legal construction, and the creation of new norms is central to the analysis of the expanding role of judges. Legal interpretation is the initial step in understanding the meaning of norms; legal construction occurs when existing norms are insufficiently clear or incompletely regulated, while the creation of new norms occurs when, through decisions, judges formulate legal principles that were not previously explicitly regulated. Theoretically, this process remains within the framework of legal discovery (*rechtsvinding*), not legal formation in the legislative sense. However, functionally, its impact can resemble the creation of new norms. Therefore, the legitimacy of this process must always be linked to the constitutional objective of upholding law and justice and to the limits of authority determined by the principle of separation of powers.

Ultimately, the expansion of the role of judges within the framework of progressive legal reform is a logical consequence of the lag in legislation in responding to societal dynamics. The process of formulating laws often requires a lengthy time and political compromise, while the need for legal protection is urgent. In such situations, judges act as a bridge between existing norms and evolving social realities. As long as this expanded role is based on rational legal arguments, is constitutional, and respects the limits of legislative authority, the role of judges as legal reformers is not only normatively legitimate but also necessary to maintain the relevance and effectiveness of the legal system in a democratic state governed by the rule of law.

Limitations and Legitimacy of Judges in Filling Legal Vacancies from the Perspective of the Rule of Law and Separation of Powers

According to Article 1 paragraph (3) of the Republic of Indonesia's 1945 Constitution, which states that Indonesia is a state based on the rule of law, the boundaries and authority of judges in resolving legal voids must be placed within the framework of the *Rechtstaat* principle. The consequence of this principle is that all actions of state administrators,

including judges, must be based on law and not solely on power (*Machtstaat*). A state based on the rule of law requires the supremacy of law, equality before the law, protection of human rights, and limitations on power through constitutional mechanisms. Therefore, although judges have the authority to fill legal vacuums, this authority is not absolute but must be subject to the principles of legality, rational argumentation, and constitutional accountability.

The independence of the judiciary, as stipulated in Article 24 paragraph (1) of the 1945 Constitution, provides a constitutional basis for judges to carry out their judicial functions without intervention from other branches of government. This independence is a primary prerequisite for judges to uphold the law and justice objectively. However, the independence of the judiciary is not synonymous with unlimited freedom. The phrase "upholding law and justice" implies that judges remain bound by the law as the prevailing normative system. Thus, judicial independence is functional, meaning they are free to examine and decide cases, but remain bound by the constitution, laws, and general legal principles. It is where the first limit to a judge's legitimacy lies: every legal construction undertaken must be traceable to its normative basis within the prevailing legal system.

This limit is further emphasized by the checks and balances system and the separation of powers idea. According to Article 20, paragraph (1) of the 1945 Constitution, the President and the House of Representatives have the power to enact legislation in Indonesia. Meanwhile, the judicial branch functions to adjudicate and enforce the law. If judges, in filling a legal vacuum, create general, abstract norms that apply broadly in the future without an adequate interpretative basis, there is a risk of a shift in function from legal discovery to law formation. It could disrupt the balance of power between branches and create institutional tensions. Therefore, legal discovery by judges must be clearly distinguished from legislation, both in terms of the nature of the norms and the legitimacy of their formation.

The boundary between legal discovery and legal formation lies in the concrete and case-by-case nature of judicial decisions. Legal discovery is conducted to resolve specific cases, using interpretive methods such as grammatical, systematic, teleological, and historical. In this context, judges remain within the existing norms, albeit expanding their meaning. Conversely, legal formation in the legislative sense produces general norms that bind all citizens prospectively. Therefore, the legitimacy of judges in filling legal gaps is acceptable as long as the construction is rooted in applicable norms and is intended to resolve specific cases, not to establish general policies that should be the legislative domain.

The parameters of judges' legitimacy in filling legal gaps can be formulated through several criteria. First, the existence of a constitutional basis and laws that provide room for interpretation, such as Article 5 paragraph (1) and Article 10 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power. Second, legal arguments must be rational, systematic, and testable academically and judicially. Third, they must be oriented toward protecting citizens' constitutional rights and achieving substantive justice. Fourth, they must be consistent with general legal principles and not contradict higher norms in the hierarchy of

laws and regulations. If these parameters are met, then the judge's actions in filling legal gaps can be deemed legitimate within the framework of a democratic rule of law.

Conversely, if the judge exceeds these limits, there is a risk of judicial overreach, a situation in which the judge is perceived as usurping the function of making laws or establishing public policy without democratic legitimacy. The risk can lead to legal uncertainty, delegitimization of the judiciary, and tensions between branches of state power. In the long term, uncontrolled practices can undermine the principle of the rule of law itself. Therefore, formulating conceptual and normative boundaries is crucial to ensure that the progressive role of judges remains within the constitutional framework. By placing judicial independence in balance with the principles of legality and separation of powers, judges can continue to play an active role in filling legal gaps without losing their constitutional legitimacy.

Conclusion

Based on the discussion that has been outlined, it can be concluded that legal vacuum is an inevitability in the legal system that develops amidst the dynamics of a society that is constantly changing. Judges serve as both enforcers of law and justice, as required by Article 24 paragraph (1) of the 1945 Constitution, and as mechanical implementers of norms in the context of a state founded on law, as stressed in Article 1 paragraph (3) of the 1945 Constitution. Article 5 paragraph (1) and Article 10 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power provide a strong normative basis that judges are required to investigate the legal values that exist in society and are not allowed to reject cases on the grounds that the law is unclear or nonexistent. Thus, the discovery of law (*rechtsvinding*) is a legal obligation as well as a philosophical consequence of the judicial function. However, the expansion of the role of judges in filling legal vacuums must remain within constitutional limits, respect the principle of separation of powers, and not be transformed into the formation of law in the legislative sense. The legitimacy of judges rests on rational, constitutionally based legal argumentation oriented toward the protection of rights and substantive justice.

While the study discusses concepts such as judicial activism, *rechtsvinding*, and progressive law, there is no clear indication that it examines contemporary constitutional scholarship that views courts as active participants in shaping constitutional norms through interpretation and adjudication. As a result, the analysis may overlook alternative perspectives that regard judicial lawmaking not merely as a response to legislative gaps but as a legitimate component of constitutional governance. Engaging with these theories would provide a more balanced and nuanced assessment of the limits and legitimacy of judicial power.

The analysis would be strengthened by the inclusion of concrete judicial decisions demonstrating how judges have addressed legal vacuums in areas such as cyber law, constitutional review, and digital-era disputes. While the manuscript provides a valuable theoretical discussion of legal discovery and judicial legitimacy, its arguments remain largely conceptual without sufficient illustration from judicial practice. The incorporation of relevant case law would provide practical evidence of how courts interpret and apply

legal principles when confronted with normative gaps, thereby enhancing the study's analytical depth and supporting its conclusions regarding the legitimacy and limitations of judicial authority. Such an approach would also create a stronger connection between doctrinal theory and real-world judicial decision-making.

In this regard, it is recommended that judges' legal discovery practices be accompanied by a clear interpretative methodology, transparent argumentation, and consistency with the hierarchy of laws and regulations to maintain the certainty and legitimacy of decisions. Judicial institutions also need to strengthen internal guidelines regarding legal discovery techniques to establish standards that can serve as a common reference without compromising judicial independence. Furthermore, lawmakers must be more responsive to societal developments to minimize legal vacuums through adaptive and participatory legislation. With synergy between the judicial and legislative functions within a framework of checks and balances, judges' progressive role in filling legal vacuums can remain constitutional and legitimate, and contribute positively to national legal reform and the strengthening of a democratic rule of law.

References

- Afdhal, F. 2024. "Kekosongan Hukum (Rechtsvacuum) Dari Tidak Dilaksanakannya Delegasi Pembentukan Peraturan Perundang-Undangan (Studi Pembentukan Peraturan Delegasi Dalam Undang-Undang Yang Dibentuk Rentang Tahun 2012–2023) (Disertasi, Universitas Andalas)."
- Amin, F. 2023. "Nilai Pancasila Dalam Metode Penemuan Hukum: Orientasi Dan Konstruksi Nilai Pancasila Dalam Rechtsvinding. *Ajudikasi: Jurnal Ilmu Hukum*, 7(2), 299–314."
- Annisa, N. F. 2017. "Peranan Hakim Sebagai Penegak Hukum Berdasarkan Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman. *Lex et Societatis*, 5(3), 23–30."
- Al Arif, M. Y. 2019. "Penegakan Hukum Dalam Perspektif Hukum Progresif. *Undang: Jurnal Hukum*, 2(1), 169–192."
- Atikah, I. S. 2023. "Yurisprudensi Sebagai Upaya Koreksi Terhadap Kekosongan Dan Kelemahan Undang-Undang. *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan*, 1(2), 61–69."
- Friedmann, W. 2023. "Law in a Changing Society. University of California Press."
- Hantoro, N. M., et al. 2018. "Hakim: Antara Pengaturan Dan Implementasinya. Yayasan Pustaka Obor Indonesia."
- Indarta, Y. 2025. "Cyber Law: Dimensi Hukum Dalam Era Digital. Pustaka Galeri Mandiri."
- Loway, S. 2022. "Kedudukan Hakim Dalam Proses Pembuktian Peradilan Pidana Indonesia. *Lex Crimen*, 11(5), 34–42."
- Nasir, G. A. 2017. "Kekosongan Hukum & Percepatan Perkembangan Masyarakat. *Jurnal Hukum Replik*, 5(2), 172–183."
- Ngafifi, M. 2014. "Kemajuan Teknologi Dan Pola Hidup Manusia Dalam Perspektif Sosial Budaya. *Jurnal Pembangunan Pendidikan: Fondasi Dan Aplikasi*, 2(1), 33–47."
- Putri, S. 2025. "Peran Hakim Dalam Menjamin Keseimbangan Hak Dan Kewajiban Para

-
- Pihak Dalam Proses Persidangan Perdata. *Sriwijaya Journal of Private Law*, 155–164.”
- Rosadi, E. 2016. “Putusan Hakim Yang Berkeadilan. *Badamai Law Journal*, 1(2), 381–400.”
- Suryoutomo, M., & Febriharini, M. P. 2020. “Penemuan Hukum (Rechtsvinding) Hakim Dalam Perkara Perdata Sebagai Aspek Mengisi Kekosongan Hukum. *Jurnal Hukum Dan Dinamika Masyarakat*, 18(1), 112–120.”
- Tumpa, H. A. 2025. “Penerapan Konsep Rechtsvinding Dan Rechtsschepping Oleh Hakim Dalam Memutus Suatu Perkara. *Hasanuddin Law Review*, 1(2), 126–138.”