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The Urgency of Strengthening Judges' Authority in the Rechtvinding Process

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Abstract: The rechtvinding process, or legal discovery, is one of the essential functions performed by judges, particularly when dealing with cases that are not clearly regulated in the laws and regulations. The urgency of strengthening judges' authority in the rechtvinding process is crucial considering the limitations of positive law that often cannot keep pace with the increasingly complex dynamics of society. On the one hand, this authority enables judges to ensure justice and meet the legal needs of the community. However, on the other hand, challenges such as ambiguities in regulations, subjectivity in interpretations, and a lack of accountability can reduce legal certainty. This article aims to examine the urgency of strengthening regulations regarding judges' authority in the rechtvinding process and to identify the weaknesses present in this process. Additionally, this article offers various measures that can be taken to enhance legal certainty, such as developing consistent jurisprudence and implementing stronger accountability principles. Thus, it is hoped that strengthening judges' authority in the rechtvinding process can support the achievement of a more responsive, fair, and trustworthy legal system for society.

Keyword: Rechtvinding, judges' authority, legal certainty

INTRODUCTION

The concept of a rule of law state is an idea about the ideal form of state that humanity strives to realize in reality, although such efforts often encounter failures. As a result of the development of human civilization, the idea of the rule of law is a product of human culture. The emergence of the concept of a rule of law state results from a dialectical process of culture, wherein the idea arises as an antithesis to the domination of authoritarian power (king). Thus, the concept of a rule of law state embodies a revolutionary spirit that rejects any form of abuse of power by rulers. In Indonesian legal literature, the term "rule of law" is a translation of "rechtsstaat." Besides using the term "rechtsstaat," this concept is

often conveyed using the term "the rule of law" to describe the rule of law state. The term "rechtsstaat" is commonly used in the Netherlands and Germany, while English speaking countries use "the rule of law," France uses "etat de droit," and the United States uses the phrase "government of law, but not man." The concept of "rechtsstaat" and "etat de droit" is known in Continental European countries, while "the rule of law" is recognized in Anglo-Saxon countries. Meanwhile, the concept of "socialist legality" is prevalent in communist countries.

One of the main characteristics that is almost always present in every theory regarding the rule of law is the importance of judicial power or independent judicial institutions free from interference from other branches of power. Judicial power or the judiciary is essential for any state that claims to be a rule of law state, because the enforcement of law can be realized through these institutions. The existence of judicial institutions is a crucial component, both in states with the rechtsstaat concept and those with the rule of law concept. The difference lies in the level of trust in the general judiciary. In the rechtsstaat concept, the level of trust in the general judiciary is generally lower, necessitating other judicial bodies outside the general courts, such as administrative courts and constitutional courts. In contrast, in the rule of law states, there is greater trust in the general judicial system, thus eliminating the requirement for additional judicial bodies.

In Indonesia, the rule of law concept (rechtsstaat) refers to the principle that every action of the state and government must be based on the highest law, namely the constitution, which serves as the main basis for protecting the rights of citizens and regulating the obligations of the government. As a democracy based on law, Indonesia positions the constitution as the main binding foundation for all state institutions, including the government, in exercising their authority. The Constitutional Court plays a central role as the guardian of the constitution, ensuring that all regulations and government actions do not contradict the 1945 Constitution, thereby actualizing the aspirations of the rule of law and preventing any form of abuse of power.

As law and justice enforcers, judges must be able to follow the developments in law occurring in society, as social dynamics often evolve more rapidly than existing legal regulations. It is not uncommon for cases to arise in court that lack written legal provisions governing them or where such provisions have yet to be formulated. In such situations, judges cannot refuse to hear cases on the grounds of the absence of legal grounds. Therefore, exercising their authority, judges must be able to create new law from the absence of existing regulations. As part of the judicial power, judges are granted special authority to formulate legal norms (judge-made law) through legal discovery mechanisms (rechtsvinding), as mandated by Article 5 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power. The authority to explore, understand, and interpret legal values and the sense of justice within the community must be accompanied by progressive thinking, spiritual intelligence, and sharp intuition, allowing judges to resolve each case justly.

Thus, the role of judges in legal discovery or rechtvinding is crucial, especially in the Constitutional Court, where judges do not merely apply written legal rules but also actively participate in interpreting and developing the law. Through the rechtvinding process, Constitutional Court judges unearth the constitutional meanings of every legal provision, ensuring that the resulting decisions are based not only on the text of the law but also on the core values of the constitution reflecting justice, human rights, and the interests of society. This allows judges to address the legal needs of a dynamic society and to tackle limitations that may exist within positive law, thus keeping their decisions relevant and constitutional.

Positive law, which consists of laws and regulations established by authorized institutions, often faces limitations in addressing new issues or the complexities of social changes that constantly arise. These limitations arise because positive law is usually static and may not always keep pace with the evolving dynamics of society. With the advancement

of technology, changing social norms, and the emergence of unprecedented legal issues, existing laws can often be inadequate or irrelevant in resolving such problems.

In situations where positive law fails to provide adequate responses or solutions, the judges' role becomes even more critical. Judges may confront cases that do not have clear legal regulations or where existing rules no longer align with the context at hand. Consequently, judges need to perform legal interpretations that transcend the textual boundaries found in the laws. This process is known as legal discovery (*rechtvinding*), where judges must evaluate the values underlying the law while considering relevant principles of justice. Legal discovery allows judges to make decisions that are not solely based on the text of the law but also take into account the social context and the community's needs. In this regard, judges function as interpreters and developers of law aimed at creating a legal framework that is responsive and adaptable to the changes occurring in society. Through legal discovery, judges can fill legal gaps and provide solutions that align with justice, thereby ensuring that the law remains relevant and beneficial to society.

In the legal discovery process, judges often face situations where jurisprudence, which consists of previously established legal decisions, can serve as a reference in making decisions. Jurisprudence plays a significant role in creating consistency and legal certainty, especially in cases that share similar characteristics. Through jurisprudence, judges can observe how previous cases were handled, which can guide them in considering various relevant legal aspects and facts.

However, it is important to note that the Constitutional Court is not bound by existing jurisprudence, whether from the Supreme Court or from other judicial bodies. This grants the Constitutional Court space to perform a more innovative and flexible legal interpretation according to the values contained in the constitution. This independence allows judges to not only consider previous rulings but also to take a more proactive approach in unearthing the constitutional meanings of a legal provision. Consequently, judges can adapt the law to be more relevant to the current social context.

Flexibility in using jurisprudence is also vital for achieving substantive justice. When judges have the freedom to interpret and develop the law, they can reach decisions that are more accurate and just, reflecting the needs and aspirations of society. In certain cases, especially those involving complex or novel issues, judges may choose not to follow existing jurisprudence if they deem it inappropriate concerning justice principles or not aligned with evolving societal values. In other words, the ability to evaluate and decide independently is essential for the integrity and credibility of the justice system. Based on the brief explanation in this research, the author will discuss the Authority of Judges in the *Rechtvinding* Process and explain the weaknesses and efforts to create legal certainty regarding judges' authority in the *rechtvinding* process.

METHOD

Normative legal research methods are used in legal studies that focus on document and legal norm analysis. This method aims to analyze the applicable legal rules and how those rules are applied or interpreted in a specific regulation. In normative legal research, the primary sources used are legislation and other legal literature. This approach is particularly relevant in exploring theoretical and conceptual legal issues, such as discussing and identifying judges' authority in the *rechtvinding* process, as well as identifying weaknesses and efforts to create legal certainty regarding judges' authority in the *rechtvinding* process. One approach used in this method is the statutory approach and the conceptual approach. The statutory approach involves examining and analyzing various rules governing specific issues, such as Law No. 48 of 2009 concerning Judicial Power and related regulations. Through this approach, the researchers can discuss the presentations above within this research, which will

address the Authority of Judges in the Rechtvinding Process and explain the weaknesses and efforts to establish legal certainty regarding judges' authority in the rechtvinding process.

RESULT AND DISCUSSION

The Urgency of Strengthening Regulations Regarding Judges' Authority in the Rechtvinding Process

Legal discovery from the perspective of the Constitutional Court is a crucial process that reflects judges' efforts to interpret constitutional provisions contained in the 1945 Constitution (UUD 1945). As an institution with the authority to test the constitutionality of laws, the Constitutional Court plays a significant role in maintaining the rule of law and protecting the constitutional rights of citizens. Legal discovery is not merely about applying existing provisions but also about extracting the meaning and substance of those constitutional provisions to be applied appropriately in the situation encountered.

This legal discovery process requires judges to possess high intellectual capacity and independence in interpreting constitutional values. This is important because every decision made must not only be based on legal text but also take into account the social, cultural, and political contexts evolving in society. Thus, judges are required to be responsive to social dynamics and capable of adjusting their decisions to meet the ever-changing needs of the community. Independence in interpreting the constitution is also a fundamental requirement to ensure that decisions reflect justice principles and are not influenced by political interests or pressures from other parties. Legal discovery functions as a means of filling legal gaps that may exist. In many cases, the existing provisions might not explicitly regulate the issues at hand. In such situations, judges of the Constitutional Court can employ legal discovery to develop new legal norms that align with constitutional principles to provide relevant and fair solutions to society. This process enhances the effectiveness of the judicial system and reinforces public trust in legal institutions because the decisions made demonstrate that the law can adapt to the needs and values prevalent in society.

There are two models of legal discovery, namely interpretation methods (interpretatiemethoden) and reasoning models (redeneerwijzen) or legal construction. In the context of interpretation, there are four models used:

1. Linguistic interpretation (de taalkundige interpretatie);
2. Historical interpretation of laws (de wethistorische interpretatie);
3. Systematic interpretation (de systematische interpretatie);
4. Social interpretation (de maatschappelijke interpretatie).

On the other hand, in reasoning or legal construction, there are three common forms used:

1. Analogy;
2. Rechtsverfijning (legal refinement or narrowing of law);
3. Argumentum a contrario.

In civil law systems, four groups of interpretation methods have principles that developed based on statutory interpretation, namely:

1. Literal;
2. Intentional;
3. Systematic;
4. Teleological.

Conversely, in the common law tradition, principles of legal interpretation have evolved through court decisions understood as part of the application of the doctrine of *stare decisis* or precedents followed by judges and courts in those countries. This doctrine implies that a judge's opinion or a previous court decision, particularly from a higher court, binds future judges or lower courts in adjudicating similar cases. The essence of this explanation emphasizes that legal discovery is a vital necessity for judges or courts in deciding concrete cases, especially when there are circumstances where the law does not clearly regulate the

issue in question or when conflicts arise between applicable rules. In such cases, judges must determine the applicable legal norms for the case and translate them into their decisions. To achieve this, judges can utilize both interpretation methods and legal reasoning.

The primary function of the Constitutional Court (and similar institutions in other countries) is to conduct constitutional reviews. The fundamental task of the Constitutional Court is not merely to apply norms, but rather to "judge" these norms to prevent ordinary courts from applying provisions that contravene the constitution. In this context, legal discovery by the Constitutional Court is understood as an effort to discover the answer to the question of how the Constitutional Court interprets the constitution (in this case, the UUD 1945), especially when exercising its authority to test the constitutionality of laws.

This limitation does not imply that the Constitutional Court only interprets the constitution when exercising its authority to test legislative constitutionality. In line with the authority granted by the UUD 1945, the Constitutional Court has the right to review laws against the UUD 1945, resolve jurisdiction disputes between state institutions, rule on the dissolution of political parties, settle electoral dispute resolutions, and decide on the DPR's opinions concerning violations or unfitness of the President and/or Vice President, as stipulated in the UUD 1945. Thus, each exercise of authority led by the Constitutional Court essentially involves constitutional interpretation. The rulings issued by the Constitutional Court are a form of interpretation by the constitutional judges that are binding in the cases they adjudicate. The focus of the discussion on constitutional interpretation in this paper is oriented toward the Constitutional Court's exercise of its authority to test legislative constitutionality. This is not only due to limited space but also because the constitutional review of legislation can be considered the core of the Constitutional Court's duties, consistent with similar functions in various countries.

Constitutional interpretation fundamentally relates to elaborating the meanings contained within the constitution, thus rendering the results recognized and treated as part of the constitutional law. As asserted by Anthony Mason, constitutional interpretation is an effort to find answers to queries concerning how to regard the constitution and the objectives it aims to achieve. Methodologically, according to Scholler, interpretive methods concerning statutory laws are also relevant in constitutional interpretation; however, their application only serves as a point of departure.

In constitutional interpretation, there are three additional aspects that are essential to consider:

1. The unity of the constitution (the unity of the constitution);
2. Practical coherence of the constitution (practical coherence of the constitution);
3. Appropriate working of the constitution (appropriate working of the constitution).

Accordingly, in a specific case concerning judicial review of legal constitutionality, it would not be inappropriate for a judge to interpret the constitutionality of a normative provision (or a certain part of that provision) utilizing historical interpretation methods. However, if employing this method as a starting point results in conclusions or legal opinions that do not align with the need to understand the constitution as a unified whole or lead to illogical practices that hinder the constitution's functionality or application, then that historical interpretation should be abandoned. The same principles apply to other interpretive methods. Therefore, it is not easy and may indeed be challenging to assert that a specific interpretive method is the most appropriate for interpreting the constitution, particularly when considering legislative constitutionality.

The Constitutional Court employs two types of procedural law in its proceedings: general procedural law and special procedural law, tailored to the characteristics of each case within its jurisdiction. According to Law No. 24 of 2003 concerning the Constitutional Court, which was amended by Law No. 8 of 2011, the Constitutional Court is given the authority to formulate procedural regulations to facilitate the execution of its duties and authorities.

Moreover, the procedural law of the Constitutional Court also evolves from the practice of decisions made by the Constitutional Court, which then become jurisprudence and serve as references for the public in proceedings before the Constitutional Court. In legal practice, jurisprudence functions as a source of law, and this arises from judgments that have permanent legal force (*inkracht van gewijsde*).

It can be articulated that the Constitutional Court is not bound by jurisprudence or decisions made by other courts, including the decisions of the Supreme Court and courts lower than it. However, there is no prohibition for the Constitutional Court to utilize or refer to jurisprudence or decisions from other courts, including those from international courts, if such references aim to reinforce the legal arguments in its decisions. This is part of the accountability of the Constitutional Court's decisions, where judges are required to present the reasoning and arguments underpinning those decisions.

As a principle, the Constitutional Court is bound by the rulings it has issued. However, in line with the living constitution perspective, if there are fundamental changes in society, the Constitutional Court is not prohibited from departing from its previous stance, and in certain circumstances, doing so becomes a necessity. In such situations, the Constitutional Court is obliged to provide explanations in its legal reasoning regarding the rationale behind the change in its stance. It is important to note that such shifts in stance are considered normal as long as the reasons or arguments for the changes can be well-explained in terms of both relevance and coherence with the Constitution. Practices like this are also commonplace in countries with common law traditions, where the principle of precedent or *stare decisis* is held in high regard.

The urgency of strengthening judges' authority in the legal discovery process is paramount to address the limitations of positive law that often cannot contend with new issues or emerging complexities in society. Positive law, although it serves as the primary guide within the judicial system, frequently fails to encompass all situations that the community faces. In many instances, existing legislation may not provide sufficient solutions for arising issues, which can result in injustices and legal uncertainty. Hence, judges need to be empowered with greater authority to engage in legal discovery (*rechtvinding*) as a response to societal needs.

In fulfilling their roles, judges do not merely function as mere enforcers of legal norms but also as interpreters tasked with safeguarding and developing the foundational values contained within the constitution. Legal discovery involves a profound interpretative process of the legal text and the constitution, enabling judges to formulate decisions that are not only consistent with legal provisions but also reflect fairness and community interests. As such, judges act as custodians of constitutional principles in addressing various new legal problems that may not be answered by existing norms.

Additionally, strengthening judges' authority in legal discovery also encompasses the ability to consider the evolving social, cultural, and economic contexts. In a dynamic society, legal issues frequently relate to changing values and social norms. Judges with the authority to engage in legal discovery can adapt and interpret the law per those contexts, ensuring that the decisions they render remain relevant and beneficial to society. Therefore, strengthening judges' authority in legal discovery is a strategic step toward enhancing the effectiveness of the judicial system, ensuring justice, and advancing the constitutional goals of equity for all citizens.

Weaknesses and Efforts to Create Legal Certainty Regarding Judges' Authority in the *Rechtsvinding* Process

Ambiguities in legal regulations often arise due to unclear language or vagueness of established norms. This can occur when laws or regulations do not delineate sufficiently clear circumstances or contexts that should be regulated. For example, terms used in legislation

may have multiple meanings, leading to different interpretations among judges, law enforcement, and even the public. This lack of clarity often complicates judges' decision-making, as they must interpret legal norms lacking precision.

The consequences of ambiguities in regulations include the emergence of differences in interpretation among judges, resulting in inconsistent rulings. One judge might interpret a norm differently than another judge in a similar case, creating legal uncertainty for the parties involved, as they cannot predict clearly how the law will be applied in specific situations. Such uncertainty can undermine public trust in the judicial system, where the law is expected to serve as a tool for achieving justice. The lack of clarity in regulations could also affect the legal discovery process (*rechtsvinding*) conducted by judges. In situations where regulations do not provide clear guidelines, judges might be compelled to undertake broader interpretations or even create new legal norms to address the problems before them. While this may serve as a necessary solution in confronting new issues not covered by legislation, it could also exacerbate ambiguities if it lacks adequate explanations. Therefore, it is essential for legislators to draft regulations clearly and in detail so judges can effectively and consistently exercise their authority.

Subjectivity in legal interpretation poses a critical issue in the legal discovery process (*rechtsvinding*). Every judge, as an individual, carries experiences, values, and personal views that influence how they understand and apply the law. Although judges are expected to remain objective and neutral, in practice, the legal interpretation process often cannot entirely avoid subjective elements. This can create variations across rulings, particularly in cases without clear precedents or where the legal text does not explicitly address the situation encountered. When judges apply personal perspectives in their interpretations, it could lead to inconsistencies in rulings among cases that are quite similar. For instance, two different judges might interpret the same norm in vastly disparate ways based on their backgrounds, experiences, and understandings. Such inconsistencies can result in legal uncertainties wherein parties involved in a legal process cannot anticipate their case's outcome even when the facts presented are similar. Such uncertainty could damage public faith in the judicial system and raise doubts regarding the fairness and equity before the law.

Furthermore, subjectivity in legal interpretation may diminish the legitimacy of legal decisions. When the public perceives that judges' decisions are influenced more by personal views than by objective legal considerations, the trust in the legal system may be shaken. This could lead to the assumption that judicial rulings are arbitrary, where outcomes depend more on who the judge is than on the relevant law itself. To address this challenge, it is crucial to emphasize principles of transparency and accountability in the judicial process.

The lack of accountability in judges' rulings arising from the legal discovery process presents a significant challenge to the judicial system. In many cases, judges may not provide sufficiently clear and elaborate explanations regarding the rationale behind their decisions. As a result, parties involved in legal proceedings often experience difficulties grasping the legal foundations for those rulings. Such lack of clarity may not only cause confusion among litigants but also potentially foster public doubt about the integrity and legitimacy of legal decisions. This low accountability may create the perception that judges' decisions are arbitrary and not based on solid legal reasoning. Judges should prepare systematic and transparent legal reasoning. Well-articulated justifications pertaining to how and why a ruling is made will enhance public trust in the judicial system. Furthermore, an improvement in accountability will also contribute to establishing stronger legal precedents, where prior decisions serve as benchmarks for future cases.

The limitations of legal sources also represent a significant obstacle in the legal discovery process. Judges often need to rely on available legal sources, including laws, regulations, and relevant jurisprudence. However, if these sources are inadequate or do not encompass specific aspects of the issues being faced, the legal discovery process can be

hampered. This is especially true with new or complex issues that have not yet been fully addressed by existing regulations. The availability of relevant jurisprudence is also a critical factor in legal discovery. If existing jurisprudence is inconsistent or does not cover the specific situation encountered, judges may face difficulties in finding robust legal grounds for their decisions. Consequently, judges may be forced to adopt broader interpretations, which may exacerbate subjectivity and inconsistency in rulings.

Regulatory refinement is a vital step toward improving legal certainty in judges' legal discovery processes. Ambiguities in legislative regulations often hinder judges in performing their authority. Such lack of clarity not only complicates legal interpretation but may also lead to differing opinions among judges on how a norm should be applied. By revising existing regulations, it is hoped that clearer and more systematic guidelines will be created, enabling judges to perform their duties more effectively. One approach for regulatory refinement involves conducting a thorough analysis of the existing norms and identifying ambiguous or inconsistent parts. This process should involve various stakeholders, including academics, legal practitioners, and government agencies, to ensure that all perspectives are considered. By engaging various parties, revisions can better reflect comprehensive legal realities that are accepted by all elements of society.

Regulatory refinement may also include adding provisions that provide practical guidance for judges facing new issues not explicitly regulated by law. For instance, by issuing legal interpretation guidelines or standard operating procedures (SOP) for specific situations, judges will have clearer reference points in exercising their authority. Such guidelines not only aid judges in decision-making but also increase the transparency and accountability of the judicial process. The development of consistent and relevant jurisprudence is an essential effort in creating legal certainty within the judicial system. Jurisprudence, which arises from previously issued court decisions, serves as guidance for judges in resolving cases. With strong references from established jurisprudence, judges can engage in legal discovery (*rechtsvinding*) in a more directed manner built on principles of law that have been tested in practice. This is vital for reducing legal uncertainty that may arise due to varying interpretations.

Promoting the development of sound jurisprudence necessitates collaboration among various parties, including the courts, academics, and legal practitioners. One way to achieve this is by establishing a comprehensive jurisprudence database that includes significant rulings from various levels of the judiciary. By enhancing access to these rulings, judges can undergo deeper analyses of relevant decisions and apply consistent legal principles in cases they face. Furthermore, the development of jurisprudence should prioritize consistency. When judges adhere to existing precedents, it creates not only legal certainty but also strengthens the legitimacy of court decisions. The public is more likely to respect and comply with laws if they observe consistency across court rulings. To achieve this consistency, it is crucial for judges to discuss and consider existing jurisprudence in their legal reasoning, so every decision can be justifiable and not lead to confusion.

Implementing accountability principles within the judicial system is vital for enhancing transparency and the legitimacy of legal decisions rendered by judges. One way to actualize this accountability is to require judges to present clear and detailed arguments in every ruling. When judges explain the legal foundations supporting their decisions, the public finds it easier to understand the logic and considerations used during the decision-making process. This also allows society to evaluate judicial decisions and provide constructive criticism when necessary. High accountability leads to positive impacts on public trust in the judicial system. When the public perceives judicial decisions as based on logical and justifiable reasoning, they tend to respect and comply with the law. Conversely, if decisions are perceived as opaque or unclear, this may lead to doubts and dissatisfaction with the judicial system. Therefore, judges need to be trained to prepare legal reasoning that is not

only strong legally but also easily understood by the lay public. Coordination among judicial institutions is a critical step in creating a judicial system that is more efficient and responsive to legal challenges. By fostering better communication and collaboration among different judicial institutions, such as the Constitutional Court, the Supreme Court, and first-instance courts, judges can share knowledge and experience more effectively. This will facilitate the identification of complex legal issues and pave the way for collective problem-solving.

In practice, this coordination may occur through discussion forums, seminars, or joint training sessions where judges from various court levels gather to discuss challenges and solutions they have encountered in law enforcement. Moreover, the use of information technology can aid in facilitating the exchange of relevant information and jurisprudence between judicial institutions. By doing so, all parties can contribute to improving legal development and judicial practices. By emphasizing accountability and coordination among judicial institutions, the judicial system will not only be more transparent but also more integrated. This holds potential to enhance the quality of law enforcement and provide better protection of individual rights while strengthening public trust in legal institutions. Ultimately, the primary goal of all these efforts is to establish a judicial system that is fair, accountable, and accessible to all segments of society.

CONCLUSION

Strengthening judges' authority in the legal discovery (*rechtvinding*) process by the Constitutional Court is a fundamental aspect of maintaining justice and legal certainty, particularly in the constitutional context in Indonesia. The Constitutional Court plays a critical role as the guardian of the constitution with the responsibility of interpreting the provisions of the 1945 Constitution, as well as conducting the constitutionality tests of laws to ensure that existing laws align with constitutional values. Judges face challenges in interpreting the constitution not only based on the text, but also considering social, cultural, and political dynamics that continually evolve. Therefore, judges require intellectual capacity, integrity, and independence to formulate responsive, accountable rulings that address ambiguities in positive law. In performing these functions, legal discovery can serve as a means of filling legal gaps that arise due to societal changes, ensuring that the law remains relevant and effective. The importance of legal discovery also is reflected in the methods of interpretation and legal construction applied, whether through civil law or common law approaches, demonstrating that proper interpretive methodology can create high levels of certainty and consistency in law. Therefore, strengthening judges' authority in legal discovery is an essential strategy for improving the quality of the judicial system and enhancing public trust in the judiciary, thereby ensuring that law meets the needs and expectations of society in a just and constitutional manner.

Ambiguity in legal regulations, subjectivity in interpretation, and limitations of legal sources represent significant challenges faced in the process of legal discovery by judges. The lack of clarity in regulations can lead to differences in interpretation among judges, resulting in legal uncertainty and diminishing public trust in the judicial system. Subjectivity in interpretations may also yield inconsistencies in rulings, further exacerbating legal uncertainty and undermining the legitimacy of the legal system. The principles of accountability and transparency in judicial reasoning by judges are essential for tackling these issues. Clear and detailed reasoning in every ruling can enhance public understanding and trust in the judicial system. The refinement of regulations, development of consistent jurisprudence, as well as coordination among judicial institutions are critical steps toward creating a clearer, more structured, and responsive legal system to address community needs.

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