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DEMANDING PROGRESSIVE JUDGES' DECISIONS FOR FULFILLMENT OF JUSTICE FOR DISPUTING PARTIES

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Abstract: Basically, judges are the main actors organizing judicial power and at the same time as guardians of justice for litigants. Judge decisions that reflect law and justice simultaneously are not easy to realize. The objectives of this study are 1). To find out and analyze the development of progressive legal teachings through judges' decisions in court. 2). To find out and analyze the teachings of progressive law through judges' decisions and their influence on justice. The research method used is normative. The approaches taken are as follows: a). statute approach. b). Conceptual approach. c). Case approach. The sources of legal materials used consist of primary legal materials, secondary legal materials and tertiary legal materials. While the analysis used in this research is descriptive technique and comparative technique. The conclusions of this research are 1). The development of progressive legal teachings through judges' decisions in court is a must and cannot be negotiated anymore. 2). That the teachings of progressive law through judges' decisions and their influence on justice to answer the demands of the times today that judges' decisions are no longer only identical to the written legal rules contained in the law as taught by positivism, but judges' decisions are as much as possible able to provide welfare for the parties to the dispute and justice seekers and society in general.

Keywords: Court; Decision; Judge; Justice; Progressive.

1. Introduction

Indeed, the idea of developing legal science in Indonesia today continues to roll, and as usual the new ideas or ideas always cause controversy in various circles. One of the development ideas that need to be done is to improve the performance of the court through judge decisions that can provide satisfaction and even justice for the parties to civil disputes in court. Currently, judges' decisions in civil courts are still an issue of debate or pros and cons, especially in realizing justice for the parties to the dispute. Judges' decisions are sometimes unable to resolve cases completely, even on the contrary, they create new problems, especially in relation to the justice of each party to the dispute. [1]

[1] Kasus Perkara putusan Mahkamah Agung (MA) Nomor 2683/Pdt/G/1999 tentang Tanah Meruya Selatan yang tidak mampu menyelesaikan masalah. Berikutnya gugatan pencemaran nama baik mantan Presiden Soeharto kepada Majalah Time yang diputuskan kasasinya oleh Mahkamah Agung dianggap merisaukan pendukung kebebasan pers dan demokrasi. Putusan Kasasi dengan perkara MA No. 3215 K/Pdt/2001. Berikutnya lagi gugatan yang diajukan oleh PT Bumijaya Sentosa kepada PT Mitra Bangun

Various laws and regulations have been enacted by the government in collaboration with the legislature. The fact that so many regulations were born and made to answer the demands and efforts to improve court services through judge decisions that have justice and satisfy not only the parties to the dispute but also the public in general.

The arrest of a Supreme Court judge by the Corruption Eradication Commission for allegedly trading judges' verdicts is a very hard slap to the law enforcement process in the courts.[2] This case shows that Supreme Court Judges, who are actually role models for judges in High Courts and District Courts, are not immune from the judicial mafia. This condition certainly adds to the bad image of the judicial institution under the command of the Supreme Court.

Seeing this condition, it is ironic that the face of law enforcement in Indonesia, especially the courts, legal officials such as Supreme Court judges who ideally become representatives of the state to enforce the law through their decisions actually act and act against the law itself. The law through the structure is expected to be upright as the adage states. "uphold the law even if the sky will fall" or in Latin, *fiat justitia ruat caelum*[3] turned out to be a difficult and unrealistic hope.

The judiciary, which was initially positioned to be the gateway to resolving conflicts between disputing parties in the community through legal channels, instead often issued decisions that were confusing because of inconsistencies between one another, thus making the parties to the dispute even more immersed in prolonged conflict.[4] While on the one hand the existing laws of judicial power in Indonesia are changed and replaced almost every time in accordance with the existing situation and developments, however, these changes have not produced anything, on the contrary, the behavior or practice of the judicial mafia through judges' decisions is more widespread and carried out openly.

Such a situation has made this nation and state look like a nation that has been controlled and utilized by court mafioso, not to mention judges who give birth to misguided decisions and cause pros and cons. Ideally, the mafioso playing in the

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Griya yang akhirnya melalui putusan Pengadilan Jakarta Selatan Perkara Nomor. 63/Pdt.G/2004/PN. Jak.Sel, yang memenangkan PT Bumijaya Sentosa, tetapi tidak dapat dieksekusi. Selain itu ada juga Gugatan KLHK terhadap PT Agri Bumi Sentosa atau ABS Nomor Register Perkara 816/Pdt.G/LH/2021/PN JKT PST. Ada perbedaan hasil putusan dengan petitum dalam Gugatan Menteri LHK melawan PT ABS.

[2] Kasus suap jual-beli putusan yakni Hakim Agung Sudrajad Dimyati. Hakim Agung Kamar Perdata itu diduga menerima uang pelicin dalam sengketa perdata Koperasi Simpan Pinjam Intidana. Hakim tersebut menerima suap Rp 800 juta untuk mengurus kasasi perdata PT KSP Intidana. Sumber https://nasional.tempo.co/read/1638151/4-kasus-suap-jual-beli-putusan-yang-mengguncang-mahkamah-agung.

[3] Bandingkan dengan istilah latin lain yakni Fiat justitia et pereat mundus yang berarti hendaklah keadilan ditegakkan walaupun dunia harus binasa

[4] Bandingkan dengan Fence M. Wantu, "Mewujudkan Kepastian Hukum, Keadilan Dan Kemanfaatan Dalam Putusan Hakim Di Peradilan Perdata," *Jurnal Dinamika Hukum* 12, no. 3 (2012): 479–89. Jurnal Fence M. Wantu, 2013, Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan dan Kemanfaatan di Peradilan Perdata. Jurnal Mimbar Hukum FH UGM Yogyakarta. Serta Fence M Wantu, "Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 25, no. 2 (2013): 205–18.

judiciary should be charged and punished, but the structure authorized to charge and punish the mafioso is also involved in the practice of judicial mafia.[5]

For this reason, it is very interesting to study the decisions made by judges so far. In the teaching of law, "it is necessary to remember what Sajipto Rahrdjo once stated with his ideas on progressive law."[6] Sajipto Rahardjo calling law a science that is always in the making legal science is always in the making. Progressive law is a "liberation movement because it is fluid and always restless to search from one truth to the next."[7]

Progressive law puts certainty, justice and expediency in one line. Laws that are too rigid will tend to be unfair. Progressive law is not only obedient to bureaucratic procedural formals but also material-substantive, but no less important is the character of progressive law that clings to conscience and rejects material servants. "The law must have a conscience".

Based on the description above, the problem formulation in this research is how is the development of progressive legal teachings in court? and How is the teaching of progressive law through judge decisions and its influence on justice?

2. Method

Research on the Development of Progressive Law through Judges' Decisions to Fulfill Justice for Litigants is a normative research. The type of research used in this research is doctrinial research, namely research on laws and regulations and literature related to the material discussed by providing a systematic explanation of legal norms that become a certain category and analyzing the relationship of legal norms, explaining difficult areas and expected to predict the development of these norms.

The approach is carried out using the following methods:

a) "statute approach, which is an approach that is carried out by examining all relevant laws and regulations and other regulations that are related to the legal issues being addressed;
b) Conceptual approach, which is an approach taken by studying views and doctrines in the field of law;
c) Case approach, which is an approach to the formulation of problems through cases that exist in the world of work related to the topics discussed."[8]

[5] Praktik mafia peradilan erkait kasus dugaan perdagangan perkara oleh mantan sekretaris Mahkamah Agung (MA) Nurhadi yang diduga melakukan perdagangan perkara dan menerima suap serta gratifikasi senilai 46 miliar. Sumber Media Online KPK OTT Pejabat di MA.

[6] Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Genta Pub., 2009).

[7] DFHP Tegal, "Hukum Progresif Sebagai Solusi Hukum Yang Mensejahterakan Rakyat," *J. Pembaharuan Huk* 1, no. 3 (2014): 278.

[8] Peter Mahmud Marzuki, *Penelitian Hukum*, ed. PRENADAMEDIA GROUP, Edesi Revi (Jakarta, 2016).

3. Analysis or Discussion

3.1. Development of Progressive Law in the Courts

The word development is "actually a noun which more or less means the process, method, and action of developing."[9] Thus development is the act of making increased, perfect change (mind, knowledge and so on). Furthermore, the term progressive is a word that comes from a foreign language (English) whose origin is progress which means forward. Progressive is an adjective, so something that is progressive. Progressive law means progressive law.

The term progressive law was first used by Satjipto Rahardjo is a legal scientist from the Faculty of Law, Diponegoro University, precisely since 2002. Satjipto Rahardjo explained that "the idea of progressive law arose because of concerns about the state of law in Indonesia. The state of the law at a macro level, he said, did not come close to the ideal state, which is to make the people prosperous and happy."[10] The definition of progressive is literally, "favoring new, modern ideas, happening or developing steadily which more or less means favoring new, modern ideas, events or steady development, or desiring to advance, always (more) progressing, increasing."[11]

According to Sajipto Rahardjo, the definition of progressive law itself is "to change quickly, make fundamental reversals in legal theory and praxis, and make various breakthroughs. The liberation is based on the principle that the law is for humans and not the other way around and the law does not exist for itself, but for something broader, namely for human dignity, happiness, welfare, and human glory."[12] Progressive law itself departs from the idea that the law is formed for humans, not humans for the law. "Law to make humans happy, law to serve the interests of humans."[13] The rationale that the current study of law has reached deep ecology is based on anthropocentrism. An understanding that is centered on humans so that humans are considered to have the ability to create, feel, language, work, and karsa to the extent permitted by Sang Kholiq.

"The idea of progressive law was first based on concerns about the low contribution of legal science in Indonesia to enlighten the nation out of the crisis, including the crisis in the field of law."[14]Sajipto Rahardjo's idea of progressive law has similarities with what Ungger said, which essentially departs from concerns about modern law itself.

In various writings Sajipto Rahardjo states that reading the law is interpreting the law, therefore legal interpretation is the heart of the law. Basically, the law that has taken the form of lex scripta must maintain legal certainty for law enforcers to see that the law is not limited to a cluster of norms and logic. Law must look at conscience through empathy, honesty, and courage, so prophetic Intelligence is a progressive pillar with the ability of humans to transform themselves in interaction, socialization, and adaptation.

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[9] Kamus Besar Bahasa Indonesia, "Departemen Pendidikan Nasional," *Jakarta: Pusat Bahasa*, 2008.

[10] Liky Faizal, "PROBLEMATIKA HUKUM PROGRESIF DI INDONESIA," *Ijtima'iyya* 9, no. 2 (2016): 22.

[11] A S Hornby, "Oxford Learner's Pocket Dictionary New Edition" (Great Britain: Oxford University Press, 2006).

[12] Mariske Myeke Tampi, "Menakar Progresivitas Teknologi Finansial (Fintech) Dalam Hukum Bisnis Di Indonesia," *Era Hukum - Jurnal Ilmiah Ilmu Hukum* 16, no. 2 (2019): 251, https://doi.org/10.24912/erahukum.v16i2.4529.

[13] Any Farida, "Teori Hukum Pancasila Sebagai Sintesa Konvergensi Teori-Teori Hukum Di Indonesia," *Perspektif* 21, no. 1 (2016): 60–69.

[14] Bandingkan dengan pendapat Roberto M Unger, *Gerakan Studi Hukum Kritis: The Critical Legal Studies Movement* (Nusa Media, 2018).

It must be understood that "the development of law in Indonesia is identical to the teachings of positivism which believes that law in the form of codification."[15] The doctrine of positivism greatly glorifies written law, so this school assumes that there are no legal norms outside of positive law, all problems in society are regulated in written law. According to Anthon F. Susanto, legal positivism provides a definition of law as a will, namely "an order originating from the ruler which is addressed to all citizens of an independent political society (or state). This order contains the purpose and power to use sanctions for those who resist or violate it."[16]

On the contrary, the teaching of legal positivism is not recognized by the teaching of sociological positivism as stated by Theo Huijbers which states "that it does not recognize the existence of other laws other than the laws that have been determined or determined by society."[17] Critical norms that have to do with the awareness of justice in the human heart have no place in the sociological legal system. Theo Huijbers explains that in sociological positivism, law is responded to as open to the life of society, which must be investigated through scientific methods. The flow reflects the close relationship between law and the state.

Based on this, the characteristics of progressive law compared to other legal teachings are as follows:

a) "The paradigm in progressive law is that law is an institution that aims to lead humans to a just, prosperous and happy life. This means that the progressive legal paradigm says that law is for humans. This grip, optic or basic belief does not see the law as something central in law, but rather it is humans who are at the center of the legal rotation. The law revolves around humans as its center. The law exists for humans, not humans for the law;

b) Progressive law refuses to maintain the status quo in law. Maintaining the status quo gives the same effect, as when people argue, that the law is the measure of everything, and humans are for the law. This way of doing law is in line with positivistic, normative and legalistic ways;

c) Progressive law pays great attention to the role of human behavior in law. This is diametrically opposed to the notion that the law is only a matter of regulation."[18]

According to Sajipto Rahardjo, progressive law is based on 9 (nine) main ideas as follows:

1) "Progressive law rejects the tradition of analytical jurisprudence / rechtdogmatiek and shares understanding with schools such as legal realism, freirechtslehre, sociological jurisprudence, interressenjurisprudenz in Germany, natural law theory and critical legal studies. This means that progressive law does not mean rejecting the use of the formulation of actions contained in the text of the law, but rather a way of law that only carries out the orders of the law

[15] Satjipto Rahardjo, "Hukum Progresif: Hukum Yang Membebaskan," *Jurnal Hukum Progresif* 1, no. 1 (2005): 1–24.

[16] Anthon F Susanto, *Ilmu Hukum Non Sistematik (Fondasi Filsafat Pengembangan Ilmu Hukum Indonesia)* (LoGoz Publishing, 2015).

[17] Theo Huijbers, *Filsafat Hukum Dalam Lintasan Sejarah* (Kanisius, 1993).

[18] Satjipto Rahardjo, *Biarkan Hukum Mengalir: Catatan Kritis Tentang Pergulatan Manusia Dan Hukum* (Penerbit Buku Kompas, 2007).

without seeing the moral message and justice that lies behind the orders of the law;

2) Progressive law rejects the opinion that order will be obtained only through state institutions;
3) Progressive law aims to protect the people towards the ideal of law. That the only parameter to determine the ideal law is not seen from how many legal rules are made, but the extent to which the law is able to respond and answer the various legal needs / interests of the community, especially when law enforcement is carried out;
4) Progressive law rejects the status-quo and does not want to make law a technology that has no conscience, but a moral institution. This means that if the law is not accompanied by morals / conscience in its implementation, then humans will never find justice in legal life;
5) Progressive law is an institution that aims to lead humans to a just, prosperous and happy life. Not the other way around, making people worse off in life;
6) Progressive law is a law that is pro-people and pro-justice. This emphasizes that the law is not pro-financial/material power and the interests of certain political groups. This means that law by nature does not have a profit-economic orientation, but rather how to serve all people by providing true justice (substantive justice);
7) Progressive law has the principle that law is for humans;
8) Law is very dependent on how humans see and use it. In other words, the life of the law is determined by humans. The law will not run well / run but people will not find justice and happiness in it, if it is not supported by the views of the community towards it;
9) Law is always in the process of becoming (law as a process, law in the making).”[19]

The description or explanation above shows that the teachings of progressive law are actually not contrary to the teachings of the life of the Indonesian nation which emphasizes Pancasila as the source of all sources of law. On the contrary, the values developed in the teachings of progressive law already exist in the life of our own nation's society. In fact, this teaching is not far from the practical order of social life, but unfortunately due to the dominance of colonial positive law, it seems as if this nation is shackled to the written law in the legislation.

As a result, in all the lives of the nation and state, in order to realize legal certainty, what becomes a social event or activity must be based on written regulations. On the other hand, in the life of the nation itself, especially in the regions, customary rules apply which are highly obeyed and followed. This is actually an empowerment of the rules that live in the community living law is not utilized properly. Criminal law that has been passed into law as an example that utilizes living law as one of the sources in enforcing the crime itself. Whether civil law will be like criminal law, of course, when viewed from the design of civil law, treatment and appreciation of laws that live in society or living law become one of the foremost priorities in enforcing civil law, it does not rule out the possibility that it will be followed by other fields of law.

[19] Sayuti, “Arah Kebijakan Pembentukan Hukum Kedepan (Pendekatan Teori Hukum Pembangunan, Teori Hukum Progresif, Dan Teori Hukum Integratif),” *Al-Risalah : Forum Kajian Hukum Dan Sosial Kemasyarakatan* 13, no. 2 (2013): 11, https://doi.org/https://doi.org/10.30631/al-risalah.v13i02.407.

3.2. Progressive Doctrine in Judicial Decisions and its Impact on Justice.

Courts are provided as an effort to seek justice for parties who want to resolve their disputes through legal channels. Basically, Indonesian civil courts refer to the civil law legal system or the Continental European judicial system, where the role of judges is only to apply the law. In contrast, in the common law legal system or the Anglo Saxon judicial system, judges are law makers. In the Indonesian civil justice system, which is more inclined to Continental Europe, judges are less able to think freely, meaning that they are always bound by the law. While in the Anglo Saxson judicial system judges can think freely, so that the judge's decision in certain circumstances can function as a new law.

The good and bad of law enforcement in court is determined by the judge's decision itself. In the opinion of Sudikno Mertokusumo, a judge's decision is "a statement by a judge, as a state official authorized to do so, pronounced in court and aims to end or resolve a case or dispute between the parties."[20]

In court practice, decisions are not only based on what is said, but also statements that are put in written form and then pronounced by the judge at trial. Every judge's decision must contain the reasons used as the basis for adjudication. The existence of having to contain reasons as the basis for the decision is important to prevent the decision from being canceled.

Based on current reality, the court does not or has not met the expectations desired by the litigants. Many judges' decisions are unsatisfactory, because "the legal considerations are too summary, the legal findings are not precise, too formalistic, less professional and so on."[21] This situation has caused justice seekers to complain about the quality of judges' decisions, leading to consequent assessments of judges' integrity, quality of judges and so on.

Mochtar Kusumaatmadja proposed at least six factors behind the public dissatisfaction with the judicial process so far. These factors are as follows:

1) "The slow pace of case settlement;
2) There is an impression that judges do not really try to decide cases based on their legal knowledge;
3) Often cases of bribery or attempted bribery of judges cannot be proven;
4) Cases examined are beyond the knowledge of the judge concerned, due to the complexity of the problem or the laziness of the judge concerned to open reference books;
5) Unprofessional lawyers acting in favor of their clients;
6) Justice seekers themselves do not see the court process as a way to seek justice according to the law, but only as a means to win their case by any means possible."[22]

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[20] Nur Iftitah Isnantiana, "Legal Reasoning Hakim Dalam Pengambilan Putusan Perkara Di Pengadilan," *Islamadina: Jurnal Pemikiran Islam* 18, no. 2 (2017): 41–56.

[21] Bandingakn dengan hasil penelitian Wantu, "Mewujudkan Kepastian Hukum, Keadilan Dan Kemanfaatan Dalam Putusan Hakim Di Peradilan Perdata." Serta Fence M Wantu et al., "Renewal of the Criminal Justice System Through the Constante Justitie Principle That Guarantees Justitiabelen's Satisfaction," *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 3 (2022)

[22] Andi M Asrun, "Krisis Peradilan: Mahkamah Agung Di Bawah Soeharto," 2004.

Indeed, when viewed from the judicial system adopted by Indonesia, it can be understood that judges are strictly bound by positive legal regulations as outlined in the law. This means that the authority of judges in deciding cases is limited by written regulations as one of the basic starting points for deciding cases.

This is of course when examined by studying the decisions of judges, which are mostly based on these written regulations, the tendency is more on the legal certainty of the written regulations. This often causes a conflict between the value of legal certainty and justice. Such conditions are often referred to as antinomy. Antinomy is "a condition that contradicts each other (conflict with each other) but cannot be separated because they both need each other."[23]

In the development and for the sake of the development of the judicial system in Indonesia, the conditions that often occur antinomy should be avoided as much as possible not to occur continuously. According to Sudikno Mertokusumo, "conflicts that occur in the legal system are caused by interactions between elements or parts. It is this interaction that allows for conflict."[24] Conflicts usually occur between legislation and court decisions, between legislation and customary law, between one legislation and another legislation, between customary law and court decisions.

Taking into account this explanation, the judge's decision, which is currently often considered unable to resolve the case completely and is even considered to create new problems, should have begun to be considered not only based on written regulations or laws alone, but also pay attention to other conditions that exist in society. In the teachings of progressive law as introduced by Sajipto Rahadjo, the law is ideally for humans, not vice versa for humans for the law. The law must as much as possible create prosperity in the midst of society.

In general, society wants the court to be able and always adapt to the pace of civilization development. Likewise, only a judge in deciding a case is not only based on written regulations alone as the teachings of positivism are inclined and emphasize written regulations as the basis of everything. The judicial power in this case through the command line of the Supreme Court at least needs to make a breakthrough by ordering judges to no longer base their decisions on written regulations alone, but have familiarized themselves with understanding and practicing progressive law in judicial decisions.

This can familiarize that for a judge, progressive law is a law that rests on the conviction of the judge, where the judge is not shackled to the formulation of the written law alone. By using progressive law, a judge dares to seek and provide justice by violating the law. This is based on the reason that the law is not always fair, or the judge should not decide only by pursuing the justice of the law, but what is needed is justice for the parties themselves. In several teachings of legal experts, among others, the opinion of Jeremy Bentham (1748-1832), a leading figure from the utilitarianism school / school, the main idea of this school is "the aim of law is the greatest happiness for the greatest number of people, that the purpose of law is "to seek happiness and benefit for as many people as possible."[25]

Bentham stated that the good and bad of a law depends on whether or not the law provides happiness for humans. A good law is a law that can benefit every legal subject.

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[23] Fence M Wantu, "Antinomi Dalam Penegakan Hukum Oleh Hakim," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 19, no. 3 (2007).

[24] Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar* (Liberty, 2007).

[25] Danrivanto Budhijanto, "Pembentukan Hukum Yang Antisipatif Terhadap Perkembangan Zaman Dalam Dimensi Konvergensi Teknologi Informasi Dan Komunikasi," *Ilmu Hukum* 14, no. 2 (2011): 243.

Attributed to Bentham's opinion and the progressive legal teachings of Sajipto Rahardjo, judges should in making or issuing decisions as much as possible think about the aspect of happiness to the community. Ideally, a good law is a law that brings benefits to society. Benefit in law is very useful, especially laws that regulate. The community will obey the law without the need to be forced, if indeed the community feels the benefits. Likewise, the judge's decision itself must be able to provide happiness or satisfaction to the parties to the dispute, including justice seekers and society in general.

Indeed, the influence of the civil lat legal system or the Continental European judicial system is recognized as having a major influence on the development of the Indonesian judicial system until now, but gradually with the rapid development and urgent needs, many judge decisions based on written regulations are no longer considered appropriate and outdated with the development of society itself. The influence of the aforementioned system should not be used as an excuse not to change. The fact that exists since Law Number 1 of 2023 concerning Criminal Law confirms that beyond written law (the principle of legality) law enforcement must also pay attention to living law in the midst of society.

It is also undeniable that law enforcement in Indonesia, especially the courts, namely through judges' decisions so far looks pragmatic, meaning that the law will be carried out in accordance with the requests and conditions specified (referring to written regulations alone). In other words, litigants or justice seekers to obtain justice are required to go through a series of unfair procedures, the law exists precisely to make it difficult for people to obtain justice. “The complexity of procedures or formal law sometimes negates the truths that exist in material law.”[26] Such conditions have led to fear and reluctance for the public to use the courts as a way to obtain justice. For the litigants or justice seekers, there is an idea that if everything is pursued based on the law, then what appears is the injustice that they will get.

In fact, Law Number 49 of 2009 concerning Judicial Power requires judges to explore legal values and a sense of justice that lives in the community. In the judicial process, the judge's decision must fulfill a sense of justice, namely justice felt by the litigants. The justice intended here is substantial justice and not formal justice. Substantial justice is defined as justice that is actually received and felt by the parties. Meanwhile, formal justice is defined as justice based solely on the law which may not necessarily be accepted and felt fair by the parties.

Exploring justice through judicial decisions is certainly one of them by trying to offer progressive legal teachings in the thinking of judges. With changes and improvements in the way judges think, of course, it will also have consequences for the court institution. Reforming the judiciary and law enforcement agencies is a process that requires directed and integrated planning, realistic and at the same time reflecting the priorities and aspirations of the community's needs. Improving the judiciary and law enforcement agencies is aimed at realizing a judiciary that is independent and free from the influence of the authorities and any party, impartial, transparent, competent and accountable, participatory, fast and easily accessible.

Considering that there are so many aspects related to legal development, especially in the field of justice, the steps to realize a national justice system are carried out in stages in accordance with the needs of the community. It is also important to increase the knowledge of judges to keep pace with current developments. The teachings of

[26] Bandingkan dengan pendapat M Syamsudin, “Keadilan Prosedural Dan Substantif Dalam Putusan Sengketa Tanah Magersari,” *Jurnal Yudisial* 7, no. 1 (2014): 18–33.

progressive law do not require a long time for judges to understand, because in fact the teachings of progressive law are essentially based also on the conviction of the judge's conscience itself. So far, the practice in court in terms of judges making decisions or deciding cases is based on the judge's way of thinking, namely the persuasive force of precedent, or the judge's own beliefs.

Judicial reform through progressive judicial decisions is absolutely necessary to meet current demands. In addition, to answer and issues of rigidity of judges so far who cultivate written rules as the basis or foothold of judicial decisions. The statement of Heraclictus, a famous Greek philosopher who stated that nothing endures but change, which more or less means that in this world there is nothing that does not change except change itself. Likewise, the need for court satisfaction services, namely through judges' decisions, must be in line with the times that continue to develop and change at any time.

The Supreme Court as one of the holders and responsible for judicial power has a serious commitment in terms of judicial reform. This can be proven by the preparation of the Blueprint for Judicial Reform 2010-2035. Indeed, this blueprint is a road map as well as a beacon that will guide and provide direction for judicial reform to be more structured, measurable and targeted.

4. Conclusion

The development of progressive legal teachings in court is a must and cannot be negotiated anymore. In addition, progressive legal teachings through judges' decisions and their influence on justice to answer the demands of the current times that judges' decisions are no longer only identical to the written legal rules contained in the law as taught by positivism, but judges' decisions are as much as possible able to provide welfare for the parties to the dispute and justice seekers and society in general.

The Supreme Court should immediately reform the judicial system, especially the way judges think in deciding cases, which should no longer be guided by mere written regulations or laws. On the other hand, judges must always develop their knowledge in accordance with existing developments. As for the community, we must maintain the dignity of the judiciary by paying attention to the behavior of judges in deciding cases.

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