



JURIDICAL ANALYSIS OF THE DISPARITY OF JUDGES' DECISIONS TO DRUG OFFENDERS IN THE SAME CASE

(Case Study of East Jakarta District Court Decision Number
334/Pid.Sus/2022/Pn.Jkt.Tim, 335/Pid.Sus/2022/Pn.Jkt.Tim,
336/Pid.Sus/2022/Pn.Jkt.Tim, 337/Pid.Sus/2022/Pn.Jkt.Tim)

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Abstract

The imposition of sentences in cases charged under the same Article often results in differences between judges. As a maritime country, Indonesia is a heaven for the circulation of narcotics and other illegal drugs, primarily transported through sea routes. Disparities in criminal handling of narcotics cases persist, leading to variations in sentencing (sentencing disparities). The research problem is to identify the causes of disparities in judges' decisions for perpetrators of narcotics crimes in similar cases and to explore efforts to minimize these disparities. This study aims to analyze the causes of sentencing disparities among judges for perpetrators of narcotics crimes in similar cases and examine efforts to minimize such disparities. The research method employed is a normative legal research method. The case under study is the East Jakarta District Court Decisions Number 334/Pid.Sus/2022/Pn.Jkt.Tim, 335/Pid.Sus/2022/Pn.Jkt.Tim, 336/Pid.Sus/2022/Pn.Jkt.Tim, 337/Pid.Sus/2022/Pn.Jkt.Tim.. Based on the research findings, criminal disparities in narcotics cases are caused by both juridical and substantial factors, particularly judicial independence. The freedom of judges in delivering sentences can result in sentencing disparities influenced by emotions, beliefs, and substantial factors such as age, background, religion, and the defendant's attitude. Efforts to minimize sentencing disparities can be achieved through the creation of standardized sentencing guidelines, providing clear limitations to judges. It is also crucial for judges to consider past jurisprudence and involve legal experts in adopting new concepts, such as the progressive justice system or mediation, to enhance legal certainty.

Keywords: Disparity, Judicial, Drugs

A. Introduction

Law is the set of rules (commandments and prohibitions) that govern the order of a

society and therefore must be obeyed by society.¹ In social life, there are regulations in the form of norms and sanctions made by

¹ E. Utrecht, Moh. Saleh Djidang, SH., *Introduction in*

Indonesian Law, (Jakarta:Ichtiar Baru, 2013), p.38.



mutual agreement, this can also be called law. Laws made

It aims to regulate and maintain order, as well as justice so that chaos can be controlled and even prevented. Laws enforced by the state are made by a group legislature or a single legislator who produces laws by the executive through decisions and regulations or enacted by judges through precedent.

The Republic of Indonesia is a state based on law (*rechtstaat*), this is stated in the Constitution of the Republic of Indonesia in 1945. Indonesia as a state of law means that the law has a binding force that must be obeyed by all citizens and government.² The law becomes the basis for actions and decisions taken by individuals, groups, institutions, and governments. Indonesia as a state of law also means legal certainty.³

Laws must be clear, accessible, and applied consistently. All citizens should be able to know their rights and obligations, as well as the legal consequences of their actions. Legal certainty provides a stable basis for individuals, businesses, and investments to operate. As a state of law, Indonesia is obliged to uphold human rights and ensure the peace of citizens as well as their position in the law without exception. Thus, the law has the highest power in the Indonesian state that adheres to the system of rule of law or rule of law.

In fair law enforcement, Indonesia adheres to the Continental European legal system (Civil Law). The existence of laws and regulations is very important, because when it is related to the principle of legality which means that every government action must have a basis in applicable laws and

² Anugrah Dwi, "The Meaning of Indonesia as a State of Law", <https://pascasarjana.umsu.ac.id/makna-indonesia-sebagai-negara-hukum/>, accessed on July

30, 2023

³ Ibid.



regulations.

In the criminal *justice system*, the criminal occupies a central position. This is because the decision in sentencing will have far-reaching consequences, both directly concerning the perpetrators of criminal acts and society at large. Especially if the criminal decision is considered inappropriate, it can cause a "controversial" reaction, because the truth in this case is relative, depending on how we perceive it. However, this matter really cannot be viewed simply. The problem is actually very complex and contains a very deep meaning, both juridical, sociological, and philosophical. This is stated in the report of *The President's Commission on Law Enforcement and The Administration of Justice* which states: "*There is no decision in the criminal process that is so*

complicated and so difficult to make as that of sentencing judge". That is, no decision in a criminal process is so complex and difficult to make as a judge's ruling.⁴

Sentencing a case charged with the same Article often differs from one judge to another. This is called Disparity in punishment not only occurs in Indonesia, but also disparity in punishment occurs in several countries, especially countries that adhere to the continental European legal system. In Indonesia itself, criminal disparity is often associated with the independence of judges. The formulation of maximum criminal sanctions stipulated in the law also contributes. In handing down a decision, the judge must not be intervened by any party and the judge must explore, follow, and understand the legal values and sense of justice that lives in society. There

⁴ Scholar.unand.ac.id, retrieved July 30, 2023



are several factors that cause disparities, but judges are the main factor that most determines the disparity in sentencing.

According to Molly Cheang, "Disparity in judges' decisions or known as criminal disparity will be fatal, if it is associated with the administration of inmate development.⁵ The convict, after comparing the sentence imposed on him with that imposed on others, then feels that he is a victim of uncertainty or irregularity in the court, will become a convict who does not respect the law, even though respect for the law is one of the results to be achieved in the purpose of punishment".

Narcotics Crime is a criminal act of misuse of Narcotics with no rights or against the law other than what is specified in the Law. Narcotics Crime itself is a *Transnational* Crime committed by

organized crime groups.⁶ Before the 2000s, Indonesia was only a transit area for these prohibited goods. But over time, Indonesia has become a consumer or marketing place for narcotics. Even today it is one of the countries that produce narcotics and other illegal drugs. Narcotics circulation in Indonesia continues to increase. As a maritime country, Indonesia is a haven for the circulation of narcotics and other illegal drugs because most of the narcotics smuggling is carried out by sea. In addition, because Indonesia has a good market, so the demand for narcotics continues to rise. In the practice of handling drug crime cases, there are still differences in criminal punishment (disparity in punishment). For example, drug crimes have similarities with each other, but the process of prosecution to conviction has different sentences, resulting in disparities in

⁵ Ibid.

⁶⁶ Berliandista, Irlianto, Criminal Disparities in

Narcotics Abuse. Jurist-Diction. Universitas Airlangga, Vol. 3, No. 3, p. 824.



punishment. The reason, such as there are differences in interpretation of the application of articles in Law No. 35 of 2009 concerning Narcotics related to the actions of drug criminals.

From this background, the author is interested in conducting a case study related to criminal disparities that often occur in Indonesia which the author will put in this thesis with the title **Juridical Analysis of Disparities in Judges' Decisions to Perpetrators of Narcotics Crimes in the Same Case (Case Study of East Jakarta District Court Decision Number 334/Pid.Sus/2022/Pn.Jkt.Tim, 355/Pid.Sus/2022/Pn.Jkt.Tim, 336/Pid.Sus/2022/Pn.Jkt.Tim, 337/Pid.Sus/2022/Pn.Jkt.Tim).**

B. Research Question

Based on the background mentioned above, the following problems can be formulated:

1. What is the cause of the disparity in the

judge's decision to drug offenders in the same case?

2. How are efforts to minimize the disparity in judges' decisions to drug offenders in the same case?

C. Research Objectives

The objectives of this study are:

1. To analyze the causes of the disparity in judges' decisions to drug offenders in the same case.
2. To analyze efforts to minimize the disparity in judges' decisions to drug offenders in the same case.

D. Methods

The research method used is the normative juridical law research method, namely "legal research that examines positive legal norms as the object of study". In normative juridical legal research, law is no longer seen as a utopia but has been



institutionalized and has been written in the form of existing norms, principles and legal institutions. Normative legal research is also referred to as dogmatic legal research that studies, maintains and develops positive legal buildings with logical buildings. Normative juridical legal research is carried out by examining primary legal materials, secondary legal materials and tertiary legal materials.⁷

E. Research Results and Discussion

1. Factors Causing the Disparity in Judges' Decisions against East Jakarta District Court Decisions Number

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a. Juridical Factors

When a case is processed in court, the judge must explore the facts of the

criminal event comprehensively, so as to be able to reveal the material truth (really) in order to realize justice for all parties (defendants and victims). Rational legal consideration is obtained from extracting the facts revealed at trial through the legal values of the case being handled. This is stated in Article 5 of Law No. 48 of 2009 concerning Judicial Power which explains that judges are obliged to explore and find legal values that develop in society.

In terms of deciding cases, a judge is required to have sensitivity to explore legal facts. The excavation of facts came from various witness statements, expert statements, letter evidence, evidence of clues, and statements of the accused (vide Article 184 paragraph (1) of the Code of Criminal Procedure). From extracting

⁷ Dr. Muhaimin ,SH., M.Hum, *Legal Research Methods*, (Mataram: UPT. Mataram University

Press,2020), p.45



facts in the trial, it can be seen whether the evidence is in accordance (chain) or not with the defendant's statement. The series of processes of extracting the facts of criminal events can make a judge decide whether the defendant is guilty or not or can even be declared free (*vrijspraak*) after Article 191 paragraph (1) of the Criminal Procedure Code or released from all lawsuits (*onslag van recht vervolging*) according to Article 191 paragraph (2) of the Criminal Procedure Code. After formulating the elements of criminal offenses, in considering the verdict and declaring the defendant guilty, the judge is faced with the problem of the severity or lightness of the defendant's sentence (*strafmacht*). Indonesia is a country that adheres to the *civil law legal system*, according to this legal system the prerogative of judges is very abstract, because judges can impose

verdicts lower, equal, or higher than the demands of the public prosecutor, and can even deprive the defendant of their political freedom rights. This is what underlies the difference in the judge's decision against defendants charged with the same article, or in other words because of the disparity in punishment.

The judge's verdict handed down to the defendant has been guaranteed and protected by law. Therefore, normatively, such criminal convictions do not violate the law. In the Law there is only the threat of minimum and maximum sentences, this is what is used as a guideline for judges in formulating sentences for defendants.

The juridical factors that cause the disparity in judges' decisions, namely:

1) Independence of judges

The independence of judges as executors of judicial power is a legal



instrumentarium for judges in carrying out their functions to try and decide a case before them in order to be free from all interference and / or influence from other power environments both from the executive power organ environment and from the legislative power organ environment. Even free from pressure from elements of restraint groups from the community, mass organizations, NGOs, and the media. The independence of judges in trying and deciding a case through state courts has been guaranteed in the Law, which aims to make judges carry out their judicial functions, namely trying and deciding cases based on law and justice.⁸

Therefore, judges are given freedom by law in sentencing a defendant to a crime. If the elements of the prosecutor's indictment are proven, the most difficult thing for the judge to face is to determine the "*strafmaat*" (the severity of the criminal verdict).⁹ Because the standard of *strategy* is not in the law, but only depends on the conscience of a judge. The considerations between one judge and another judge are not the same. This is one of the causes of the disparity in the judge's decision, even though the articles charged are the same.

The basis for the independence of a judge, which is as follows:

a) Article 24 of the 1945 Constitution

⁸ Andi Suherman, September 2017, "*Implementation of Judge Independence in the Exercise of Judicial Power*", <https://www.neliti.com/publications/293406/implemtasi-independensi-hakim-dalam-pelaksanaan->

kekuasaan-kehakiman, [accessed August 24, 2023](#).

⁹Dr. Binsar M. Gultom, S.H., S.E., M.H, *A Critical View of a Judge*, Jakarta:PT Gramedia Pustaka Utama, 2020, p.10



It reads: "The judicial power is an independent power to administer law and justice."

b) Article 193 paragraph (1) of Law No. 8 of 1981 concerning the Code of Criminal Procedure

In accordance with Article 193 paragraph (1) which reads "If the court is of the opinion that the accused is guilty of the criminal offence for which he is charged, then the court imposes a crime."

c) Article 1 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power

The Fourth Amendment to the Constitution of the Republic of Indonesia Year 1945 (UUD 1945) Article 24 paragraph (1) affirms the nature and character of judicial

power by stating: "Judicial Power is the power of an independent state to administer justice in order to uphold law and justice". In Article 1 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power it is also stated: "Judicial Power is the power of an independent state to administer justice in order to uphold law and justice based on Pancasila and the Constitution of the Republic of Indonesia Year 1945, for the implementation of the State Law of the Republic of Indonesia".¹⁰

d) Article 32 paragraph (5) of Law No. 3 of 2009 concerning the Supreme Court

In accordance with Article 32 paragraph (1) of Law No. 3 of 2009

¹⁰<https://home.dilmil-pontianak.go.id/serajah/>,

accessed August 23, 2023



concerning the Supreme Court, which reads: "The Supreme Court carries out the highest supervision of the administration of justice in all judicial bodies subordinate to it in exercising judicial power".

However, the Supreme Court cannot intervene with judges in the Court of first instance in deciding criminal cases, this is stated in Article 32 paragraph (5) of Law no. 3 of 2009, which reads: "Supervision and authority as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall not reduce the freedom of judges in examining and deciding cases." So this article is also a strong basis for the independence of a judge.

e) Article 20 A paragraph (1) letter (d)

of Law No. 18 of 2011 concerning the Judicial Commission

In carrying out its duties, the Judicial Commission must maintain the independence and freedom of judges in examining, adjudicating, and deciding cases (Article 20 A paragraph (1) letter d of Law No. 18 of 2011).

2) Standardization of penalties

Standardization of the weight or lightness of judges' decisions in Indonesia is not expressly regulated in law. This is what encourages judges to be absolute in imposing crimes. In contrast to countries that adhere to the *Anglo Saxon system (common law)* which applies the theory of *stare decicis (precedent)*. This makes the judge's decision left to the feelings and beliefs of the judge, it is not surprising



that in a criminal case the exact same facts and charges of the prosecutor in one district court generally differ from the verdict of other courts in Indonesia. In fact, after the case was appealed or cassation, the verdict was different. This can happen because in addition to Indonesia adhering to the civil law legal system, namely because judges are not bound by *precedent* or *stare decicis doctrine*, but judges are bound by the Law as the main legal reference and also depends on the feelings and beliefs of judges who differ from one judge to another. Even the Chief Justice of the Supreme Court and the Judicial Commission as external supervisors of judges are strictly prohibited from interfering with judges' decisions, as stipulated in

Article 32 paragraph (5) of Law No. 3 of 2009 concerning the Supreme Court and Article 20 letter c of Law No. 18 of 2011 concerning the Judicial Commission.¹¹

b. Substantial Factors

1) Judge Factor

The office of judge is a mandate from God and the Law. The most essential essence of judges is "to judge" not "to punish".¹² Factors causing criminal disparities sourced from judges include internal nature and external nature. Internal and external traits are difficult to separate, because they are integrated as attributes of a person called the *human equation* or *personality of judge* in the broad sense regarding the influence of social background, education,

¹¹Dr. Binsar M. Gultom, S.H., S.E., M.H, *A Critical View of a Judge*, Jakarta: PT Gramedia Pustaka

Utama, 2020, p. 22.

¹² Ibid. Thing. 10.



religion, experience, and social behavior.¹³The difference in the background of a judge with another judge greatly affects the difference in the perspective of a judge in deciding cases, this makes the decisions of a judge and other judges different so that there is a disparity in punishment. The consequences of the independence of judges in deciding cases. This is where it will be seen that the consideration of the conscience of one judge with another will definitely be different which will also result in the decision of one judge with another different or it can be said that there will definitely be a disparity in the verdict, even though the facts of the legal events and the charges are the same. So this is difficult to equate and causes the

judge's decision for the same case in one region or one region with another region can be different.¹⁴In this case, the judge is not only a legal bureaucrat, but also as a human being, consisting of various variables that can be attached to a judge, such as age, social background, ethnicity, religion, education, experience, all of which have the opportunity to determine how a judge tends to decide a case.¹⁵Behind the very heavy task of the judge, the judge is still a human being, the judge is still a human being who has psychological rights, namely being afraid, brave, honest, delusional, and others. Judges are also actually related to their closest people, family, environment and education, so we need to realize that there is no equal

¹³ Hany Nicolas. *Criminal disparities in corruption court rulings*. vol 2. 2015. p. 8.

¹⁴ Ibid. pp. 17-18.

¹⁵ Ibid.



model of a judge.¹⁶

2) Defendant Factors

The basis for the judge's consideration in deciding the case is as follows:

- 1) The decision regarding the event, whether the defendant has committed the act he is accused of.
- 2) Decisions regarding the law, whether the defendant's actions constitute a criminal offense and whether the defendant is guilty and can be convicted.
- 3) The decision regarding the crime if the defendant is indeed convict.¹⁷

Every judge's decision must be accompanied by reasons, this is because it is an argument as the judge's responsibility to the community, the parties, higher courts and legal science

so that it can have objective value.

Deciding on a verdict is not an easy thing for the judge, the role of the defendant in a criminal case is one of the factors causing the difference in the judge's decision. For example, in this case is the role of the defendant in committing a narcotics crime case. The crime of drug trafficking is a crime that cannot be done alone. In general, in distributing narcotics, the perpetrator is more than one person. Some act as producers, controllers, and intermediaries. The facts of the defendant's role are also the basis for the judge's consideration in deciding the verdict for the defendant. Therefore, even if the defendants commit a crime together, then charged with the same article, the judge's

¹⁶ Ibid.

¹⁷ Sudarto, *Law and Criminal Law*. Alumni. Bandung,

1986. p. 74



verdict against one defendant to another can vary.

2. Efforts made to minimize disparities in judges' decisions for drug offenders

The efforts to minimize the disparity in punishment are as follows:

a. Establishment of Standardization or Penal Guidelines

The penal system in Indonesia that has been applied uses the theory of absolute retaliation. One way to overcome criminal acts is to make a decision containing criminal sanctions. As the author discussed earlier, judges' rulings in Indonesia contain many disparities. Articles in the Criminal Code do give great authority to judges in imposing criminal sanctions. The freedom of judges is guaranteed by the

constitution in deciding cases, but also in Article 193 paragraph (1) of the Code of Criminal Procedure which reads "If the court is of the opinion that the accused is guilty of a criminal offence, then the court sentences him to him." This guarantees the freedom of the judge to determine the severity (*strafmacht*) of the conviction of the accused. The freedom of judges in solving in court makes judges have their own ways of solving cases that are being handled. In addition, Article 1 of Law No. 48 of 2009 concerning Judicial Power also contains the principle of freedom of judges, which reads "Judicial Power is the power of an independent state to administer justice to uphold law and justice based on Pancasila, for the implementation of the State Law of the Republic of Indonesia. The independence of judges results in high disparities in



judges' decisions, both within the same court and one court with another. This is because there are no guidelines for judges in sentencing defendants. However, in imposing criminal sanctions against defendants, the freedom of judges is not without limits. However, the standard between the minimum and maximum limits set by the law is too large. Articles in Book II of the Criminal Code, the range between the maximum and minimum limits is so large, for example 1 day to 15 years for murder, 1 day to 5 years for theft, so the authority of the judge in imposing criminal sanctions is extraordinary, therefore the subjectivity of the judge's judgment is the only thing used, so that the problem of disparity comes to the fore. With the large range between the minimum and maximum scale determined by law, it is feared that

there will be abuse of power as a result of sentencing by judges. The disparity in punishment cannot be eliminated completely, but can only be minimized. Therefore, in reducing the occurrence of disparities, the government must make penal guidelines. Penal guidelines are intended to be the basis for a guide/reference/basis/guidance for judges to determine and implement decisions on a case they handle. With the creation of sentencing guidelines, it is also expected that judges in deciding a case can apply transparency and consistency. This sentencing guideline is a basic provision made expressly or explicitly in the penal system in order to be part of a criminal law rule. The existence of this sentencing guideline will make it easier for judges to determine criminal sanctions to be imposed by looking at the facts revealed



at trial. Where the sentencing guidelines contain things that are objective and related to the accused or perpetrators of criminal acts.¹⁸

This sentencing guideline has been contained in the Draft Criminal Code in Article 54, which reads, In sentencing must consider:

- 1) Forms of guilt of criminal offenders
- 2) The motive and purpose of committing a criminal act
- 3) The inner attitude of the criminal offender
- 4) Criminal acts are committed premeditated or unplanned
- 5) How to commit a criminal offense
- 6) Attitude and actions of the perpetrator after committing a criminal act
- 7) Curriculum vitae, social circumstances, and economic

conditions of criminal offenders

- 8) Criminal influence on the future of criminal offenders
- 9) The effect of the crime on the victim or the victim's family
- 10) Forgiveness from the victim and/or his family: and/or
- 11) The value of law and justice that lives in society¹⁹

The purpose of sentencing guidelines for judges is to suppress disparities, because disparities generate public distrust of law enforcement. Although actually disparity is part of the way to fulfill the sense of justice, because in proportional justice it does not equate punishment.

- b. Use of Mixed Systems (Civil Law and Common Law)

¹⁸ *Ibid.* Thing. 22.

¹⁹ *Ibid.*



The Indonesian legal system adopts the *Civil Law legal* system, namely the Dutch Colonial legal system. The legal system originated in mainland Europe and was based on Roman law with its main feature being characterized by a codification system of major legal principles. Regarding court decisions, in the civil law legal system based on the theory of *Stare Decisis Et Queita Nonmovere* reveals that regarding decision making for the same case, the current court decision must be the same as the previous decision. If the judge does not use the previous judge's decision as a guide for making the current decision on the same case, then it can be done by stating clear, strong, and logical reasons (*Legal Reasoning*). However, in its application jurisprudence in Indonesia is different from the jurisprudence of the

Common Law (Anglo Saxon) legal system in general, because our country, Indonesia adheres to the *Rechtsivinding* school, which is related to the Law of a judge and has the freedom to find its own law. In Indonesia, the basis of judges in the decision-making process is the laws and regulations and is free to interpret and interpret the law. This makes judges independent institutionally and personally, as stipulated in Article 24 of the fourth amendment to the 1945 Constitution of the Republic of Indonesia, which states that judicial power is exercised independently in conducting fair trials. As also stated in Article 48 paragraph (1) of Law of the Republic of Indonesia No. 48 of 2009 concerning Judicial Power which reads "The State guarantees the security and welfare of judges and constitutional judges in



carrying out their duties and responsibilities in carrying out the duties and responsibilities of exercising judicial power". According to the Chief Justice of the Bandung High Court, high disparity in Indonesia can occur because we adhere to the civil law system, so we do not adhere to the *binding force of precedent*.

We can't decide a case with the same penalty, so that's part of binding jurisprudence like in Anglo Saxons, so it's better legal certainty.²⁰ Furthermore, according to the Chief Justice of the Bandung High Court, the Supreme Court should have a policy to guide judges. Actually, there is nothing wrong with making binding sentencing guidelines for judges so that there is no perception of non-fulfillment of justice in case decisions, namely justice for all parties

including the defendant.²¹ There are several influences of the common law legal system on the Indonesian judicial system, including:

- a. In terms of government, the common law system influences the formation of government bodies such as the Constitutional Court and the Supreme Court.
- b. In terms of the judicial system, the influence of the common law system has led to the formation of special courts whose judicial system indirectly uses the Anglo Saxon system.
- c. In terms of law, although it has been stated that the 1945 Constitution is the main source of law in our country, we cannot deny and even close our eyes that the main and most upheld source of law in our country which is

²⁰ *Ibid.* Thing, 26.

²¹ *Ibid.*



embraced by all levels of society is jurisprudence or better known as customary / customary law which is the main source of law in the common law legal system or anglosaxon which is the reference of the Indonesian legal system.²²

With a mixed system, at least there will be legal certainty. After all, the judge is an ordinary man, therefore the judge cannot give one certainty of justice, but only approach justice. Even in the same legal events and facts, it is impossible for a judge to give the same sentence.

F. Cover

From the discussion above, in this study two conclusions can be drawn, namely:

Criminal disparities in drug crime cases are caused by juridical and substantial factors, especially in the context of judges' decisions. The independence of judges in deciding a case is guaranteed by law, but the freedom given to judges in imposing criminal sentences can cause disparity in verdicts. Standardization of the weight or lightness of the judge's decision is not strictly regulated, so the decision can be influenced by the judge's feelings and beliefs. Substantial factors such as a judge's age, social background, race, ethnicity, religion, education, and experience can also influence a judge's propensity to decide cases. In addition, the role and attitude of the defendant during the trial also influenced the judge's consideration in handing down the verdict.

Efforts to minimize sentencing

²² *Ibid.*



disparities can be done by making guidelines for sentencing standardization, which provide clear limits for judges in giving sentences to defendants. In addition, it is important for judges to consider previous judges' rulings as jurisprudence for similar cases. Legal experts can also play a role in creating a revolution in the country's legal system by adopting some concepts from other legal streams, such as progressive systems of justice or mediation, which can resolve legal issues without involving the courts. With a mixed system approach, it can create better legal certainty.

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