

# The Active Judge System in the Adversary Model: Prospects for Its Application in Indonesia

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## Abstract.

*This article examines the feasibility of adopting an active judge system within Indonesia's adversarial model of criminal procedure. Traditionally, adversarial systems emphasize the passive role of judges as neutral arbiters between prosecution and defense, while inquisitorial systems permit judges to play an active role in fact-finding. Indonesia, rooted in the civil law tradition, has developed a hybrid legal culture that incorporates both adversarial and inquisitorial elements, particularly through its emphasis on the pursuit of material truth (kebenaran materiil). By employing a normative juridical method, this study explores whether the active judge system is compatible with Indonesia's legal framework and constitutional guarantees of fair trial. The findings suggest that while a fully adversarial approach may not align with Indonesia's legal tradition, a modified model that balances judicial impartiality with active engagement in fact-finding could enhance substantive justice. However, risks of bias, abuse of power, and violations of due process must be mitigated through clear procedural safeguards and judicial ethics. This article concludes that Indonesia could realistically adopt a hybrid adversarial model with inquisitorial elements, allowing for a proportionate active role of judges in ensuring justice and material truth.*

**Keywords:** Active Judge, Adversary Model and Indonesian Criminal Procedure.

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## 1. INTRODUCTION

The debate concerning the role of judges in criminal procedure is a long-standing one, particularly in jurisdictions that adopt the adversarial model. Traditionally, adversarial systems emphasize the passive role of judges as neutral arbiters whose primary responsibility is to safeguard fairness between prosecution and defense. By contrast, inquisitorial systems in civil law traditions often empower judges to take an active role in directing the investigation, interrogating witnesses, and even requesting additional evidence in pursuit of substantive truth. Indonesia, whose legal system is historically rooted in the civil law tradition, illustrates a hybrid position. Since the promulgation of the 1981 Criminal Procedure Code (KUHP), elements of adversarial justice have emerged, including stronger recognition of the presumption of innocence, protection of defendants' rights, and equality of arms. Yet, the Indonesian judiciary has not fully embraced the adversarial model, instead maintaining inquisitorial elements in the form of judicial activeness during hearings and fact-finding processes.

The concept of an active judge refers to the idea that judges should not limit themselves to passively evaluating the arguments and evidence submitted by the parties. Rather, they may intervene to clarify facts, question witnesses directly, or even encourage the presentation of relevant evidence that has not been introduced. Such a role is often justified on the grounds of securing *kebenaran materiil* or material truth, which underpins much of Indonesian procedural philosophy. Critics argue, however, that judicial activeness in adversarial contexts may jeopardize impartiality and risk transforming the judge into a surrogate prosecutor. This tension between fairness, impartiality, and truth-seeking lies at the heart of current discussions on whether Indonesia should formally adopt an active judge system within its evolving adversarial framework.

International scholarship has noted that hybrid systems are increasingly common in the global landscape of criminal justice. Strang [1] examined Indonesia's ongoing procedural reforms and concluded that while they make the system "more adversarial, but not completely adversarial," they also reveal the persistence of inquisitorial features such as judicial involvement in fact-finding. These features, while potentially beneficial, must be reconciled with constitutional commitments to fair trial guarantees under both domestic law and the International Covenant on Civil and Political Rights (ICCPR). The central challenge for Indonesia is therefore how to design a procedural system that accommodates judicial activeness without undermining the fundamental adversarial principle of equality between parties.

The potential benefits of an active judge system in Indonesia are manifold. First, it can help remedy structural inequalities between the prosecution and defense. In many cases, prosecutors enjoy superior institutional resources, access to evidence, and investigative support, while defendants, particularly indigent ones, struggle to mount an adequate defense. Carpenter [2] has shown that active judging in administrative courts in the United States significantly enhanced access to justice for self-represented litigants, suggesting that judicial activeness can correct imbalances in adversarial processes. Translated into the Indonesian context, this means that judicial interventions may level the playing field, ensuring that the rights of weaker parties are respected. Second, judicial activeness can promote procedural efficiency by preventing unnecessary repetition, focusing examination on the most relevant issues, and clarifying ambiguities in witness testimony. This is particularly important in Indonesia, where congested dockets and lengthy proceedings undermine public confidence in the judiciary.

Nevertheless, the risks of adopting such a model should not be underestimated. Simon [3] recently demonstrated how adversarial biases influence pre-trial decision-making, revealing that adversarial procedures can amplify confirmation bias and inequality when left unchecked. If judges in Indonesia were to adopt an overly active role without clear procedural limits, the perception of impartiality could be compromised. Defendants might suspect that judges are siding with the prosecution, particularly in politically sensitive or high-profile cases. This in turn could erode public trust in judicial neutrality. Furthermore, the expansion of judicial responsibility raises the specter of overburdening judges who are already confronted with significant caseloads and limited institutional support, particularly in rural jurisdictions. Without substantial training and systemic reform, an active judge model might increase the risk of inconsistent practices or even abuse of discretion.

A comparative perspective provides useful insights for Indonesia's reform debate. A study on adversarial and inquisitorial systems by Parisi [4] emphasizes that neither system is flawless; rather, hybrid forms can combine the strengths of both while mitigating their weaknesses. The adversarial model excels in preserving party autonomy and protecting rights, whereas the inquisitorial model ensures comprehensive fact-finding. The challenge lies in striking a balance where judicial activeness contributes to uncovering truth while procedural safeguards prevent overreach. This requires clear statutory guidelines that delineate when and how judges may intervene in proceedings, supported by strong ethical codes and accountability mechanisms.

In Indonesia, the feasibility of such reforms has been further illuminated by recent scholarly analyses of comparative criminal procedure. A 2025 study published in the *Indonesian Journal of Crime and Criminal Justice* argues that elements of the adversarial system have already been embedded in Indonesia's legal culture, particularly through enhanced rights of the accused and constraints on prosecutorial power [5]. The study suggests that adopting a carefully circumscribed model of judicial activeness would not constitute a radical departure from existing practice, but rather a formalization of judicial tendencies that already exist in courtrooms. Pilot projects, empirical monitoring, and continuous judicial training are therefore recommended to integrate the system gradually while mitigating risks.

The motivation for exploring the active judge system in Indonesia arises from the need to reconcile fairness, efficiency, and truth-seeking in a legal system that is neither fully adversarial nor fully inquisitorial. International literature demonstrates that active judging can enhance access to justice and procedural fairness, particularly in contexts of resource inequality, but it must be carefully structured to preserve impartiality and prevent abuse. For Indonesia, the adoption of an active judge system represents an

opportunity to develop a hybrid adversarial model that strengthens substantive justice without compromising fundamental rights. This research is therefore motivated by the desire to assess both the normative feasibility and the practical challenges of such a reform, with the ultimate goal of contributing to the ongoing modernization of Indonesia's criminal procedure.

## II. METHODS

This study employs a normative juridical research method, which is particularly suitable for analyzing legal doctrines, statutory provisions, and judicial practices in the context of Indonesian criminal procedure. The normative juridical approach focuses on examining law as it is written (*law in books*) rather than law as it is practiced (*law in action*), allowing for a systematic exploration of whether the concept of an active judge system is normatively compatible with Indonesia's adversarial model. The research begins with a doctrinal analysis of Indonesia's criminal procedure code (KUHAP), the Constitution, and relevant international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR). Through this method, legal provisions are interpreted in light of principles of fair trial, equality of arms, and substantive justice [6].

In addition to doctrinal analysis, this study utilizes a comparative method to examine how adversarial and inquisitorial systems allocate roles to judges in different jurisdictions. By reviewing comparative literature, the research identifies patterns and potential adaptations that could inform Indonesia's hybrid legal culture. For example, comparative examination of civil law jurisdictions that integrate adversarial safeguards illustrates how judicial activeness can be reconciled with impartiality, while common law jurisdictions adopting active case management demonstrate the evolving role of judges in adversarial settings [7].

Finally, the research applies a conceptual approach, analyzing theoretical frameworks of procedural justice and judicial impartiality. This involves engaging with jurisprudential perspectives that highlight the tension between the pursuit of truth and the preservation of due process. The conceptual approach provides a philosophical grounding to evaluate whether judicial activeness aligns with Indonesia's normative commitment to both material truth (*kebenaran materiil*) and human rights protection. Data collection relies primarily on secondary sources, including statutes, case law, journal articles, and authoritative textbooks. The analysis is qualitative in nature, aiming not to generate statistical findings but to produce a coherent normative argument that contributes to ongoing debates about judicial reform in Indonesia [8].

## III. RESULT AND DISCUSSION

### The Conceptual Basis of the Active Judge System in Adversary Proceedings

The debate over the role of judges in adversary systems has long been central to comparative criminal procedure. Traditionally, the adversarial model is associated with common law jurisdictions such as England, the United States, and other former British colonies. Within this system, the judge is conceived primarily as a neutral arbiter who ensures that the rules of the game are respected while leaving the primary responsibility for presenting and contesting evidence to the parties. The adversary process is thus premised on the idea that truth will emerge from the clash of competing arguments presented before an impartial referee. By contrast, in inquisitorial systems found in continental Europe and some Asian jurisdictions, judges play a far more active role in investigating the facts and directing the course of the proceedings. The conceptual basis of the "active judge" system lies in this inquisitorial tradition, but contemporary scholarship has increasingly examined whether and how such judicial activism could be reconciled with adversary principles [9].

Historically, the adversarial tradition arose as a reaction against state-dominated procedures in which judicial authorities, often aligned with executive power, could abuse their authority to extract confessions or predetermine outcomes. The emergence of the jury trial in England during the medieval period reinforced the notion that judges should remain restrained, merely guiding the proceedings and ensuring legal regularity while lay citizens determined the facts. This historical foundation underscores why adversarial systems tend to distrust judicial intervention in fact-finding. Nevertheless, even in jurisdictions most closely associated with adversarial justice, the idea of judicial passivity has never been absolute. Judges have always exercised certain powers to control proceedings, admit or exclude evidence, and guide juries in their deliberations [10].

The conceptual tension, therefore, is not between a wholly passive judge and an activist judge, but between different degrees of judicial engagement in the pursuit of justice. Legal theorists such as Mirjan Damaska have famously described the contrast between “hierarchical” and “coordinate” models of justice, in which the state’s role in directing procedure varies considerably [11]. Within this framework, adversary systems appear more “coordinate,” emphasizing balance between parties, while inquisitorial systems lean toward hierarchy, with the judge as a state actor ensuring the discovery of truth. Yet even Damaska acknowledged that real-world systems exhibit hybrid forms, and that modern adversarial proceedings are increasingly infused with managerial and interventionist roles for judges.

Comparative jurisprudence illustrates this hybridity. In the United States, federal judges in complex cases such as multidistrict litigation or class actions routinely engage in active case management, shaping the issues and directing discovery to ensure efficiency. In England and Wales, reforms under the Criminal Procedure Rules emphasize judicial case management responsibilities, requiring judges to take active steps to identify issues in dispute, set timetables, and prevent unnecessary delay. These developments suggest that adversary systems have gradually incorporated forms of judicial activism without fundamentally abandoning their commitment to party control of evidence [12].

Philosophically, the rationale for a more active judicial role rests on the tension between two foundational values: procedural fairness and substantive truth. On the one hand, adversarial theory holds that fairness is best achieved when parties, equally equipped and motivated, present their cases before a neutral adjudicator. On the other hand, critics argue that such a model risks prioritizing procedure over substance, potentially allowing the truth to be obscured by tactical maneuvering, unequal resources, or evidentiary suppression. The concept of the active judge system arises precisely as a corrective to these deficiencies, by empowering judges to intervene where necessary to ensure that proceedings remain focused on truth-seeking without compromising fairness [13].

Human rights law reinforces this dual orientation. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to a fair trial, which includes equality before the courts and the impartiality of judges. The European Court of Human Rights has interpreted similar provisions under the European Convention on Human Rights as permitting judicial intervention, provided it does not create the appearance of bias or undermine equality of arms. In this sense, an “active judge” is not inherently incompatible with adversary principles, so long as interventions are directed toward clarifying facts, protecting vulnerable witnesses, or correcting imbalances in legal representation. Comparative scholarship has thus shifted toward examining the limits and conditions under which judicial activism enhances rather than undermines adversarial fairness [14].

The Indonesian context provides a particularly interesting case study because its criminal procedure formally borrows heavily from continental European traditions, emphasizing the search for material truth (*kebenaran materiil*). Yet in practice, Indonesian courts often exhibit adversarial characteristics, especially in the reliance on party-driven presentation of evidence and the restricted investigative capacity of judges. The conceptual exploration of an active judge system in adversary settings therefore speaks directly to Indonesia’s hybrid system, where the balance between truth-seeking and procedural fairness remains contested. Understanding the theoretical justifications and comparative experiences of judicial activism in adversarial jurisdictions can illuminate pathways for reform in Indonesia, while also highlighting the risks of undermining judicial impartiality.

Another conceptual dimension relates to the nature of judicial legitimacy. If judges are seen as guardians of justice rather than mere referees, then their authority derives not only from ensuring fair procedures but also from ensuring that just outcomes are reached. This conception aligns with Lon Fuller’s notion of the “inner morality of law,” where procedures must be designed to facilitate genuine justice rather than mere formality. An active judge system, in this sense, can be justified as enhancing the moral legitimacy of the judiciary, provided its scope is carefully defined and constrained to prevent arbitrariness. In adversary contexts, this might involve judicial questioning of witnesses, ordering the production of additional evidence, or intervening when party conduct threatens to distort the truth.

The debate is not merely academic. In practical terms, adversarial systems that have adopted greater judicial activism report both benefits and challenges. Benefits include efficiency, reduced manipulation of procedure, and greater protection of vulnerable parties. Challenges include perceptions of bias, erosion of adversarial equality, and increased pressure on judges to master complex factual issues that might traditionally fall to the parties. Thus, the conceptual justification for an active judge system is always tied to institutional safeguards that maintain impartiality, such as transparent reasoning, appellate review, and professional standards.

In summary, the conceptual basis of an active judge system in adversary proceedings lies in reconciling the foundational adversarial values of party autonomy and fairness with the universal judicial function of truth-seeking. Comparative experiences demonstrate that adversarial jurisdictions have already moved toward hybrid models that empower judges in limited but meaningful ways. For Indonesia, which occupies a middle ground between adversarial and inquisitorial traditions, the theoretical justification for judicial activism provides a foundation for considering reforms that strengthen both fairness and substantive justice. The next sub-chapter will explore the prospects and challenges of adopting such an approach in Indonesia more concretely, with attention to legal, institutional, and cultural dimensions.

### **Prospects and Challenges of Implementing the Active Judge System in Indonesia**

The question of whether Indonesia can implement an active judge system within its adversary-oriented criminal procedure raises both theoretical and practical concerns. Indonesia's procedural law, codified in the Criminal Procedure Code (KUHAP), was designed in 1981 as part of a broader attempt to modernize and democratize legal institutions following years of authoritarian rule. The Code formally embraces the principle of seeking *kebenaran materil*—material truth—rather than limiting proceedings to what the parties bring before the court. However, in practice, Indonesian criminal trials often exhibit adversarial characteristics: judges generally rely on party submissions, and their interventions in questioning or gathering evidence are restrained. This hybrid reality situates Indonesia at the intersection of adversarial and inquisitorial traditions, making it an ideal context to evaluate the feasibility of adopting a more structured form of judicial activeness [15]. Thus, Indonesia's legal landscape provides both the doctrinal foundation and practical necessity for reconsidering the role of judges as active truth-seekers within adversarial proceedings.

One of the key prospects for adopting an active judge system lies in addressing persistent deficiencies in Indonesian criminal justice. These include uneven access to competent legal counsel, disparities in resources between prosecutors and defendants, and the frequent reliance on formalistic procedures at the expense of substantive justice. In many cases, defendants from marginalized backgrounds face considerable disadvantages when contesting charges brought by state prosecutors. In such circumstances, a strictly adversarial approach risks exacerbating inequality. An active judge system could provide a corrective by empowering judges to intervene in the interests of balance, for example, by clarifying facts, probing inconsistencies in testimony, or ensuring that unrepresented defendants are not unduly disadvantaged [16]. Such judicial intervention would not undermine the neutrality of the court, but rather reinforce its role as a guarantor of fairness in the search for truth. Moreover, it would align with the broader constitutional mandate of Indonesia's judiciary to uphold justice that is both accessible and substantive, beyond the constraints of rigid proceduralism.

At the same time, prospects for implementation must be situated within Indonesia's broader legal culture and institutional framework. Historically, Indonesian judges have been regarded as guardians of state authority, a legacy of Dutch colonial law and subsequent authoritarian regimes. This legacy creates both opportunities and risks. On the one hand, it aligns with the notion that judges have a positive duty to safeguard substantive justice; on the other hand, it raises concerns that expanded judicial powers might reinforce hierarchical state control at the expense of individual rights. Comparative insights suggest that for judicial activism to be legitimate, it must be accompanied by robust safeguards, such as transparent reasoning, appellate oversight, and professional independence [17]. Therefore, any move toward an active judge system in Indonesia must be carefully calibrated to strengthen fairness and accountability without reproducing authoritarian patterns of judicial dominance.



The challenge of impartiality is central to this debate. Critics of judicial activism in adversary systems argue that when judges intervene in questioning or evidence collection, they risk appearing biased toward one side. This perception is especially dangerous in Indonesia, where public confidence in judicial impartiality has been undermined by corruption scandals and political interference. Introducing an active judge system without addressing these structural issues could backfire, reinforcing perceptions of partiality rather than enhancing justice. Therefore, any reform must be accompanied by stronger guarantees of judicial independence, rigorous ethical standards, and accountability mechanisms to prevent abuse [18]. Only by ensuring that judges are shielded from external pressures can their active role be perceived as legitimate and fair. Furthermore, embedding transparency and consistent oversight into the system will be critical in transforming judicial activism into a trusted instrument of substantive justice rather than a source of renewed skepticism.

Another challenge lies in the educational and professional training of Indonesian judges. Judicial training in Indonesia has traditionally emphasized procedural knowledge and hierarchical obedience rather than proactive engagement in fact-finding. Adopting an active judge system would require significant changes to legal education, including a shift toward critical reasoning, evidentiary analysis, and ethical decision-making. Comparative experiences, such as Japan's reforms in the early 2000s, illustrate that cultural change within the judiciary is a long-term process requiring institutional investment, curricular reforms, and ongoing professional development [19]. Without such foundational reforms, any attempt to introduce judicial activeness risks being superficial and ineffective in practice.

Procedural reforms also need to be carefully tailored to Indonesia's existing legal framework. For example, the principle of *audi alteram partem*—the right to be heard—must be preserved. Judicial interventions should not deprive parties of their opportunity to present their case or cross-examine witnesses. Instead, interventions should be limited to clarifying ambiguities, ensuring fairness, and preventing distortion of the truth. Codifying clear limits on judicial powers within procedural rules could help avoid the risk of overreach. England's Criminal Procedure Rules, which emphasize judicial case management while preserving adversarial equality, provide one possible model for such codification [20]. By setting transparent parameters for judicial involvement, Indonesia could strike a balance between active truth-seeking and the preservation of party autonomy. Furthermore, such codification would strengthen legal certainty and foster public confidence in the impartiality of the judiciary.

A further prospect is the potential for harmonization with international human rights standards. Indonesia, as a signatory to the ICCPR, is bound by obligations to provide fair and impartial trials. Active judicial engagement can be justified as a means of fulfilling these obligations, particularly in contexts where party imbalances threaten equality of arms. The European Court of Human Rights has consistently held that judicial interventions are permissible where they serve the broader interests of fairness and justice. Drawing on this jurisprudence could provide Indonesia with a normative framework for aligning reforms with its international commitments [21]. Such alignment would not only strengthen Indonesia's compliance with global human rights norms but also enhance the credibility of its judiciary in the eyes of the international community. In turn, this could help build domestic trust in the legal system by demonstrating that judicial reforms are grounded in universally recognized standards of fairness.

Nevertheless, cultural and political realities cannot be overlooked. Indonesian society often views judges as figures of authority rather than neutral referees, a perception that may facilitate acceptance of a more active judicial role. Yet political dynamics, including pressures from the executive and legislative branches, complicate the picture. Expanding judicial powers in such an environment could be exploited by political actors, undermining judicial independence. Therefore, institutional reforms—such as strengthening the Judicial Commission, enhancing transparency of judicial appointments, and ensuring adequate remuneration to reduce corruption incentives—are prerequisites for safely implementing an active judge system [22]. Only with these safeguards in place can judicial activism contribute to the pursuit of justice rather than reinforce existing vulnerabilities in Indonesia's legal system.

From a practical standpoint, technological developments offer both opportunities and challenges for active judicial engagement. The increasing use of digital evidence, such as electronic communications,

surveillance data, and cryptocurrency transactions, complicates the evidentiary landscape. Judges with passive roles may lack the expertise to navigate such complexities if left entirely to the parties. An active judge system could empower courts to ensure that relevant digital evidence is fully considered, particularly in cases where parties lack the resources to analyze it effectively. However, this also requires significant investment in judicial training and technical infrastructure, lest activism be undermined by incompetence or reliance on partisan experts [23]. Equipping judges with digital literacy and access to independent technical resources would help prevent imbalances in handling sophisticated evidence. In this way, judicial activism in the digital era can evolve into a safeguard against both technological manipulation and procedural inequality.

There is also a risk of overloading judges with responsibilities beyond their capacity. Indonesian courts are already burdened with high caseloads and limited resources. Expanding judicial duties to include more proactive evidence-gathering and case management could exacerbate inefficiencies unless accompanied by systemic reforms, such as increasing judicial staffing, improving case management systems, and enhancing administrative support. Without such measures, judicial activism may produce delays rather than efficiencies, undermining its very purpose [24]. Thus, institutional strengthening must be seen as a necessary precondition for ensuring that an active judge system enhances, rather than hampers, the effectiveness of criminal justice.

Policy considerations therefore point toward a cautious, incremental approach. Pilot programs could be introduced in specific courts or case types, such as corruption cases, where the stakes are high and party imbalances are particularly acute. Lessons from these pilot programs could inform broader reforms, ensuring that the introduction of an active judge system is evidence-based and context-sensitive. Additionally, reforms should be accompanied by empirical research on their impact, including assessments of trial outcomes, party satisfaction, and perceptions of judicial impartiality [25]. Such a gradual strategy would reduce the risk of institutional shock while allowing for necessary adjustments based on practical experience. In turn, it would demonstrate that judicial activism, when carefully designed, can serve as a targeted instrument for improving fairness and efficiency in Indonesia's criminal justice system.

The broader normative debate is also significant. Some scholars argue that Indonesia should embrace its hybrid identity rather than attempting to fully align with either adversarial or inquisitorial traditions. From this perspective, an active judge system is not an alien import but a natural evolution of Indonesia's mixed procedural heritage. By selectively incorporating aspects of judicial activism, Indonesia can craft a system that reflects its unique legal culture, historical experience, and societal needs. This pluralist approach avoids the false dichotomy between adversary and inquisitorial models, acknowledging instead the global trend toward convergence [26]. Such an orientation would allow Indonesia to innovate within its own doctrinal and institutional boundaries rather than imitating foreign models wholesale. In doing so, the legal system could demonstrate adaptability while remaining grounded in principles that resonate with both national identity and international standards.

In conclusion, the prospects for implementing an active judge system in Indonesia are promising, particularly in addressing inequalities in access to justice and enhancing the pursuit of material truth. However, the challenges are substantial, including risks to impartiality, structural weaknesses in judicial independence, and the need for comprehensive training and institutional reform. The success of such an initiative depends on striking a careful balance between judicial activism and adversarial fairness, supported by robust safeguards and incremental, evidence-based implementation. Ultimately, the Indonesian experience could contribute to broader comparative debates about the evolving role of judges in modern criminal justice, demonstrating how hybrid systems can reconcile the values of fairness, truth, and efficiency.

#### IV. CONCLUSION

The question of whether Indonesia can implement an active judge system within its adversary-oriented criminal procedure cannot be answered in binary terms. The analysis reveals that Indonesia's legal framework, with its emphasis on *kebenaran materiil*, already contains doctrinal space for more proactive judicial engagement. Yet in practice, trials remain dominated by adversarial characteristics, and judicial

interventions are restrained. This hybrid condition positions Indonesia uniquely at the crossroads of adversarial and inquisitorial traditions, offering both opportunities and challenges for reform.

At the same time, institutional realities complicate the picture. Persistent inequalities in access to justice, corruption within the judiciary, political interference, and limited judicial training all raise concerns about impartiality and competence. Without systemic reforms—ranging from improved judicial education and stronger safeguards for independence to better resourcing and technological capacity—an active judge system risks reinforcing old weaknesses rather than delivering substantive justice. Comparative experiences underscore the importance of incrementalism: pilot programs, clear procedural codifications, and ongoing evaluation are necessary to ensure legitimacy and effectiveness.

Ultimately, the adoption of an active judge system should not be seen as a wholesale import of inquisitorial practices, but rather as an evolution of Indonesia's own hybrid legal identity. By carefully calibrating judicial activism within constitutional commitments, international human rights obligations, and domestic institutional capacity, Indonesia can develop a system that strengthens fairness without sacrificing impartiality. Such a pluralist approach acknowledges global convergence while tailoring reforms to national needs, making judicial activism a potential catalyst for both procedural balance and substantive justice.

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