

## Normative Legal Analysis from the Perspective of Legal Discovery Theory (Constitutional Court Decision Number 132/PUU-XXIII/2025)

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### Article Info

#### Article history:

Received August 3, 2025  
Revised August 28, 2025  
Accepted October 22, 2025

#### Keywords:

Constitutional Court Decision,  
Legal Findings, Labor Rights,  
Termination of Employment,  
Industrial Relations Disputes

### ABSTRACT

The Constitutional Court Decision No. 132/PUU-XXIII/2025 reviews Article 82 of Law No. 2 of 2004 on Industrial Relations Dispute Resolution concerning its alignment with Articles 28D(1) and 28H(2) of the 1945 Constitution of Indonesia. The case originated from a petition by Domuli Sentudes, an employee terminated in October 2023, who argued that the one-year time limit for filing a lawsuit after termination creates procedural injustice and undermines legal certainty, particularly due to delays in mediation. This study analyzes how the ambiguity of Article 82 contributes to such injustice in employment termination disputes and whether the Constitutional Court applied teleological and systematic interpretations as part of its legal discovery (*rechtvinding*) to address normative gaps. Using a normative juridical method grounded in legal discovery theory and supported by statutory and conceptual approaches, the research evaluates the Court's role in upholding substantive justice under Article 5(1) of Law No. 48 of 2009 on Judicial Power. The findings reveal that the decision reinforces workers' constitutional rights, balances relations between employers and employees, and promotes harmonization of labor regulations. Moreover, it enhances access to justice for vulnerable workers while maintaining legal certainty for employers. Accordingly, legislative revision of the Labor Law and increased legal literacy among labor unions are essential to institutionalize the decision's principles and ensure fairer industrial relations.

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## INTRODUCTION

### Background

The development of labor law in Indonesia continues to face challenges in realizing a balance between the protection of workers' rights and legal certainty for employers. One of the crucial issues that reflects this problem is the provision regarding the deadline for filing a lawsuit in the case of termination of employment (PHK). Article 82 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PHI Law) stipulates that a lawsuit against layoffs must be filed no later than one year after the notice. However, in practice, this provision often causes uncertainty and procedural injustice, especially for workers who are hampered by the length of the mediation process at the Manpower Office level.

This problem is highlighted in the Constitutional Court Decision Number 132/PUU-XXIII/2025, which was filed by Domuli Sentudes, a worker who was unilaterally laid off in October 2023. The petitioner argues that the one-year time limit as stipulated in Article 82 of the PHI Law is contrary to Article 28D paragraph (1) and Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia, because it hinders the constitutional right of workers to obtain justice and fair treatment in legal proceedings. In this context, the Constitutional Court was faced with a dilemma between maintaining legal certainty (*rechtssicherheit*) and ensuring substantive justice (*gerechtigkeits*) for the weakest in industrial relations.

The unclear norms in Article 82 of the PHI Law show that there is a relative lacuna that requires the role of judges in making legal discoveries (*rechtvinding*). Bagir Manan views that this legal vacuum can be filled through legal discovery or interpretation by judges. Meanwhile, Sudikno Mertokusumo revealed that legal discovery is a process of concretization or individualization of legal regulations that are general to certain legal events. Judges, in this case the Constitutional Court, play a role not only as a mouthpiece of the law, but as an active interpreter who adjusts norms to the values of justice that live in society.

Furthermore, Satjipto Rahardjo emphasized that the law should not stop at the text of the law, but must be oriented towards achieving substantive social justice and humanity. Thus, the Constitutional Court's interpretation of Article 82 of the PHI Law can be seen as an effort to uphold substantive justice through a teleological and systematic approach, in line with the mandate of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which requires judges to explore, follow, and understand the legal values that live in society.

From a legal theory perspective, this ruling represents a concrete practice of value-oriented legal discovery theory. Mochtar Kusumaatmadja stated that law should be seen as a tool of social engineering, where the formation and application of law is directed to achieve social justice and a balance of interests. Thus, the Constitutional Court's interpretation in this decision not only resolves normative issues, but also serves as an instrument for harmonizing labor law in the context of modern industrial relations.

The Constitutional Court Decision Number 132/PUU-XXIII/2025 has important implications for expanding access to justice for workers, while strengthening the principle of equality before the law. In practical terms, this ruling reduces the asymmetry between workers and employers, and affirms that legal protection of the weak is part of the principle of social justice as mandated by the constitution. Therefore, further steps are needed in the form of amendments to the PHI Law to adopt the constitutional meaning explicitly, accompanied by increasing legal literacy among trade unions so that the principle of substantive justice can be realized in a sustainable manner.

### Problem Formulation

Based on the above background description, the main problems that are the focus of this research are:

- a. What is the Theory of Legal Discovery in the Context of Indonesian Law?
- b. What is the Overview of the Constitutional Court Decision No. 132/PUU-XXIII/2025?
- c. How is the Constitutional Court's Decision as a Form of *Rechtvinding* and Filling Legal Vacancies?

### METHOD

This research uses a normative juridical approach that focuses on the study of positive legal norms, legal principles, and legal doctrines that are relevant to the problem being studied. This approach was chosen because of the problems raised related to the interpretation of the norms in Article 82 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes and its application in the Constitutional Court Decision Number 132/PUU-XXIII/2025.

#### 1. Types and Properties of Research

This type of research is prescriptive-analytical, that is, it aims not only to describe the application of positive law, but also to analyze how the norm should be applied to achieve substantive justice. According to Peter Mahmud Marzuki, normative legal research is intended to provide legal arguments on the issues raised by examining legal norms, principles, and theories in the context of the application of positive law.

#### 2. Research Approach

This research uses several complementary legal approaches, namely:

##### a. Legislative Approach (Statute Approach)

This approach is carried out by examining laws and regulations that are directly related to research problems, namely Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, Law Number 48 of 2009 concerning Judicial Power, and the 1945 Constitution of the Republic of Indonesia, especially Article 28D paragraph (1) and Article 28H paragraph (2).

##### b. Conceptual Approach (Conceptual Approach)

This approach is used to understand theories and doctrines relevant to the theory of legal discovery (*rechtvinding*), legal interpretation, and substantive justice, as stated by legal experts such as Sudikno Mertokusumo, Satjipto Rahardjo, Mochtar Kusumaatmadja, and Maria Farida Indrati. Through this approach, the researcher analyzes how these concepts are used by the Constitutional Court in filling the void of legal norms.

c. Case Approach (Case Approach)

It is used to study the Constitutional Court Decision Number 132/PUU-XXIII/2025 as the main case study. The analysis is directed at the legal considerations (*ratio decidendi*) of the panel of judges and the Court's way of interpreting the norms of Article 82 of the PHI Law to find a meaning that is in accordance with constitutional justice.

### 3. Legal Ingredients

The legal materials used in this study consist of:

a. Primary Legal Materials, namely relevant laws and regulations and court decisions, include:

- 1) Constitution of the Republic of Indonesia in 1945
- 2) Law Number 48 of 2009 concerning Judicial Power
- 3) Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes
- 4) Constitutional Court Decision Number 132/PUU-XXIII/2025

b. Secondary Legal Materials, including literature, books, journals, and scientific writings that discuss the theory of legal discovery, legal interpretation, principles of justice, and labor law. Among them are works by Sudikno Mertokusumo, Satjipto Rahardjo, Jimly Asshiddiqie, Maria Farida Indrati, and Mochtar Kusumaatmadja.

c. Tertiary Legal Materials, which are legal dictionaries, encyclopedias, and official online resources that provide additional understanding of legal terms and the social context of research.

### 4. Legal Material Collection and Analysis Techniques

Legal materials are collected through library research by searching through legal documents, court decisions, and related scientific literature. After the legal materials are collected, a qualitative analysis is carried out with a descriptive-analytical method, namely describing the applicable norms and theories, then connecting them with the practice of application in the Constitutional Court's decision to draw normative arguments and conclusions.

According to Johnny Ibrahim, qualitative analysis in normative legal research is carried out by associating legal norms and legal theories to assess the suitability between positive law and the value of justice to be achieved. With this method, the research is expected to be able to answer the formulation of the problem comprehensively and make a conceptual contribution to the understanding of the role of the Constitutional Court as a perpetrator of legal invention (*rechtvinding*) in upholding substantive justice in the field of industrial relations.

## DISCUSSION

### The Theory of Legal Discovery in the Context of Indonesian Law

Legal discovery theory (Finding justice) is a fundamental concept in the modern judicial system that places judges not just as mechanical implementers of the law, but as seekers and shapers of legal meaning in dealing with concrete cases. In the Indonesian context, this theory has an explicit legal basis as stipulated in Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which emphasizes that judges and constitutional judges are obliged to explore, follow, and understand the legal values and sense of justice that live in society. This provision shows that the function of the judge does not stop at the application of written norms (law in books), but also includes a creative and progressive function in finding laws that correspond to social dynamics (law in action). In other words, judges play an active role in grounding justice, not just as the mouthpiece of the law as the classical positivist view of law does.

According to Sudikno Mertokusumo, legal discovery is the process of concretizing or individualizing legal regulations that are general to certain legal events based on legal values and a sense of justice in society. He emphasized that judges do not just apply laws, but interpret and adapt them to concrete situations to achieve substantive justice. This view is in line with Satjipto Rahardjo who emphasized that the law should not stop at formal texts, but must live and develop with the community. He stated that progressive judges must dare to go beyond the rigid limits of the law if its application actually causes injustice. Therefore, the discovery of law becomes a forum for judges to uphold substantive justice, especially when laws are no longer adequate in responding to social change.

Furthermore, Bernard L. Tanya, Yoan N. Simanjuntak, and Markus Y. Hage explained that legal discovery is a logical consequence of the principle that the law is never complete, so judges must make legal

discoveries to keep the legal system alive and relevant. They said that *rechtvinding* is a form of judge's responsibility in connecting the legal text with the ever-changing social reality.

In practice, legal discovery in Indonesia is carried out through several main methods, namely:

- a. Interpretation (Legal Interpretation): It is the main method in the discovery of law. Judges interpret norms to find the meaning that best suits the purpose of the law. The forms include:
  - 1) Grammatical interpretation: interpreting based on the meaning of words in legal language.
  - 2) Systematic interpretation: interpreting norms in relation to other articles in the same legal system.
  - 3) Historical interpretation: reviewing legislative intent.
  - 4) Teleological/sociological interpretation: interpreting the law according to the social goals and values of justice to be achieved.

According to Maria Farida Indrati, legal interpretation is a scientific effort to bridge legal texts with the purpose and purpose of its founder, so that law does not lose its social meaning.

- b. Analogy (Argumentum per Analogiam): Applied when there is no rule that directly governs an event, by using a rule that governs similar cases. This method expands the legal reach for the sake of justice.
- c. Argumentum a Contrario: Used when legal events differ in principle from those stipulated in law, so the rules cannot be applied. This method is restrictive to legal norms.
- d. Legal Construction: According to Sudikno Mertokusumo, legal construction is carried out when the regulations are incomplete, by way of judges drafting new norms based on general law principles. This legal construction often arises in cases where the law is inadequate or there is a legal vacuum (legal leemte).

Furthermore, in the modern paradigm, judges are no longer seen as passive implementers of legal texts, but as progressive actors who help direct legal development. Mochtar Kusumaatmadja in concept law as a tool of social engineering emphasized that the law is a means of social change, so law enforcement officials, including judges, must dare to interpret the law to realize justice that lives in society. This view is closely related to practice judicial activism, namely the active role of judges in interpreting the law to adapt to evolving social and constitutional values.

Historian Arthur M. Schlesinger Jr. in 1947 introduced the term judicial activism to divide the justices of the Supreme Court of the United States at that time into two categories, namely judicial activists and champions of judicial restraint. In the article, Schlesinger used the term to describe the different approaches of judges in interpreting the constitution and making decisions. Judicial activism is not a form of violation of the principle of separation of powers, but an expression of the principle rule of justice in the state of law (Rule of law). The Constitutional Court of the Republic of Indonesia is often a concrete example of the application of this theory, where constitutional judges make legal discoveries through teleological and systematic interpretation to maintain positive legal constitutionality.

### Overview of Constitutional Court Decision No. 132/PUU-XXIII/2025

The following is an overview of the case based on facts from the Constitutional Court Decision Number 132/PUU-XXIII/2025.

- a. Identity of the Applicant

Name: Domuli Sentudes

Status: Individual Indonesian Citizen (WNI), private employee

Occupation: Private employee at PT Sinar Jernih Suksesindo

Address: Jalan Anggrek Garuda I/63, RT.010/RW.002, Kemanggisan Village, Palmerah District, West Jakarta

Legal Attorney: Haposan Sahala Raja Sinaga and Tombos, based on a Special Power of Attorney dated July 21, 2025

Domuli represents thousands of workers who have experienced unilateral layoffs after the Covid-19 pandemic, where the manufacturing and private sectors often carry out labor efficiency.

- b. Case Background

Main Problem: Domuli was unilaterally laid off by PT Sinar Jernih Suksesindo on October 31, 2023. He then wants to file a lawsuit with the Industrial Relations Court (PHI) to demand severance rights, wages, and other compensation.

Legal Obstacles: According to Article 82 paragraph (3) of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, the deadline for a layoff lawsuit is one year from the date the layoff is notified. However, the provisions of Law Number 2 of 2004 concerning Industrial Relations Dispute

Settlement stipulate the stage of industrial relations dispute settlement that must be taken first, before the lawsuit is submitted to the Industrial Relations Court. Article 3 paragraph (1) of the PHI Law states that every industrial relations dispute must be resolved first through bipartite deliberative negotiations to reach a consensus. Then, in Article 8 paragraph (1) which explains that if a bipartite effort fails, it can be continued to mediation. Article 13 paragraphs (1) and (2) state that in the event that an agreement is reached to resolve industrial relations disputes through mediation, a collective agreement is made. However, Article 83 is also referred to as an article that requires the attachment of mediation minutes if you want to file a lawsuit with PHI.

Thus, it can be seen that Law Number 2 of 2004 requires a bipartite stage and then mediation/negotiation at the employment agency before submission to PHI, and the main provision for it is contained in Article 3 paragraph (1). In his case, Domuli is also required to undergo the mandatory Pre-Lawsuit process. Article 3 paragraph (2) of the PHI Law regulates the settlement of disputes through bipartite as referred to in paragraph (1) must be resolved no later than 30 (thirty) working days from the date of the start of negotiations. Then, Article 3 paragraph (3) of the PHI Law states, if within a period of 30 (thirty) days as referred to in paragraph (2) one of the parties refuses to negotiate or negotiations have been carried out but do not reach an agreement, then the bipartite negotiations are considered to have failed. This means that when a dispute arises, both parties, both workers and employers, are obliged to act bipartitely. This bipartite process must be completed within 30 working days from the start of negotiations. If no agreement is reached within 30 working days or one of the parties refuses to negotiate, then this stage is considered a failure, and then it can be continued to the next stage.

Furthermore, in the event that the bipartite negotiations fail as referred to in Article 3 paragraph (3), then based on the provisions of Article 4 paragraph (1), one or both parties record their disputes to the agency responsible for the local labor sector by attaching evidence that settlement efforts through bipartite negotiations have been made. If the evidence is lacking, the agency will give the opportunity to make corrections no later than 7 working days. After registration, the agency offers mediation/conciliation/arbitration. If within 7 working days the parties do not choose the solution, the agency immediately delegates to the mediator. The mediation/conciliation stage is not explicitly regulated in the PHI Act, where not all of them specify a specific time frame—for all types of disputes in the main articles—but practice and interpretation then provide further guidance. In the case that befell Domuli was revealed, the applicant spent 3-6 months undergoing a mediation process at the Manpower Office, but failed to reach an agreement. In this part, the deadline for filing a PHI lawsuit has been wasted. The total Pre-Lawsuit is 3-7 months, where the one-year limit expires before the lawsuit is filed. As a result, Domuli is at risk of expiry (loss of the right to sue). This reflects the violation of his constitutional right to fair legal certainty as observed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, and Article 28H paragraph (2) of the 1945 Constitution.

#### c. Case Chronology

Petitioner's Argument in the Constitutional Court:

- 1) Article 82 of the PHI Law discriminates against workers as weak parties
- 2) Causality of Losses: Potential loss of economic (severance pay of at least 1-2 months of salary) and social (family instability) rights.
- 3) References to the previous Constitutional Court decision that have been reinterpreted are similar.
- 4) Contents of the Constitutional Court's Decision No. 132/PUU-XXIII/2025

Amar Verdict (Summary):

- 1) Granting some applications - submission of the previous deadline of 3 years.
- 2) Article 82 paragraph (3) of the PHI Law is contrary to the 1945 Constitution unless reinterpreted: The 1-year limit is calculated from the failure of mediation/conciliation, not from the notification of layoff.
- 3) The norm is not contradictory if it is interpreted as such.
- 4) The decision is binding on all state institutions; published in the National Gazette.

Constitutional Court Considerations:

- 1) Teleological: The purpose of the PHI Law is to protect workers, not to hinder access to justice.
- 2) Systematic: In line with Law Number 13 of 2003 concerning Manpower.
- 3) Balanced: Workers can sue on time; Employers can close the liability after 1 year.

#### d. Case impact

Workers can now sue without being threatened with expiration with an estimated additional time of 3-6 months. However, this ruling applies prospectively or only to mediation that fails after September 17, 2025. Domuli's case in 2023 is still limited, but it can be used as a basis for appeal. On a broader scale, improve the



legal literacy of workers and also labor unions can be used as advocacy. On the entrepreneur's side, there is legal certainty, because it requires the company to record the date of the failed mediation.

From the above description, it can be observed that Article 82 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes stipulates that a lawsuit for termination of employment (PHK) must be filed no later than one year after the date of notification of layoffs. This provision, textually, aims to create legal certainty for the parties. However, in practice, these deadlines often cause procedural injustice for workers. This is due to the length of the mediation or conciliation process that must be taken before the lawsuit can be filed with the Industrial Relations Court. When mediation takes months, the remaining time available for workers to sue becomes very limited, and can even run out without having time to file a case in court. As a result, the constitutional right of workers to obtain justice and legal certainty as guaranteed in Article 28D paragraph (1) and Article 28H paragraph (2) of the 1945 Constitution is violated, and procedural injustice is created.

According to Jimly Asshiddiqie, the right to legal certainty does not only mean the existence of clear rules, but also must ensure fair and non-discriminatory treatment of every citizen. Fair legal certainty requires that the law is not only rigidly applied, but also proportionate to the social conditions faced by the subject of the law. In the context of industrial relations, workers are in a weaker position than employers. This asymmetry of power causes the application of equal time limits for both parties to be disproportionate. As mentioned above, Satjipto Rahardjo emphasized that the law must side with those who are socially weak to uphold substantive justice, not just formal justice. Thus, the norm of Article 82 of the PHI Law that does not consider this context clearly creates structural inequality.

As described above, the application for testing Article 82 of the PHI Law was submitted by Domuli Sentudes, postulating that the provision of a one-year deadline from the notice of layoffs is not in line with the principles of constitutional justice because it ignores the duration of the mediation process which is an integral part of resolving industrial relations disputes. The Constitutional Court in its consideration realized that the purpose of the PHI Law is to provide balanced legal protection between workers and employers. However, the provisions of Article 82 paragraph (3) create procedural inequality that has the potential to negate workers' right to access to justice. In its ruling, the Constitutional Court granted part of the application, stating that Article 82 paragraph (3) of the PHI Law is contrary to the 1945 Constitution as long as it is not interpreted that the one-year deadline is calculated from the "non-achievement of a mediation or conciliation agreement", not from the notification of layoffs.

The Constitutional Court's stance shows its active role as a progressive interpreter of the constitution, while emphasizing that legal certainty should not be achieved at the expense of substantive justice. According to Maria Farida Indrati, constitutional judges have the authority to interpret laws systematically and teleologically to be in line with the spirit of the constitution, because laws must be interpreted within the framework of the purpose of human rights protection. In this context, the Constitutional Court reinterpreted Article 82 of the PHI Law teleologically, namely by interpreting norms based on the purpose of labor protection which is the spirit of the birth of the PHI Law, and systematically by referring to the entire structure of the labor law system and the constitutional principles of social justice.

### **Constitutional Court Decision as a Form Finding justice and Filling Legal Vacancies**

The actions of the Constitutional Court in Decision Number 132/PUU-XXIII/2025 can be categorized as a form of legal discovery (*rechtvindig*). Because, according to Sudikno Mertokusumo, legal discovery is a process of concretizing legal regulations that are general to certain events by paying attention to the sense of justice of the community. In this ruling, the Constitutional Court did not create a new norm (*rechtschepping*), but interpreted the old norm to match the value of constitutional justice — a form of interpretative *rechtvindig*. By changing the starting point of the deadline calculation from "notice of layoffs" to "non-achievement of a mediation agreement", the Constitutional Court fills the relative lacuna that previously caused uncertainty in the practice of industrial relations justice.

This kind of practice is in line with the view of Mochtar Kusumaatmadja, mentioned at the beginning, that law should function as a tool of social engineering, where the application of law is not only technical, but also directed at improving social and structural inequalities. The Constitutional Court's decision shows that the discovery of the law is not a violation of the principle of legality, but a constitutional mechanism to guarantee substantive justice when the law fails to provide adequate protection. Normatively, this ruling strengthens workers' rights to access to justice and encourages the harmonization of the labor law system that is more in favor of vulnerable parties. The ruling also provides guidelines for industrial relations courts to interpret the lawsuit deadline in a more humane and contextual manner.

Furthermore, this decision contains important constitutional implications, namely expanding the meaning of social protection for workers as a form of implementation of Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Thus, the Constitutional Court

through this decision not only upholds justice in concrete cases, but also enriches the constitutional doctrine of substantive justice in labor law. However, to ensure the sustainability of this interpretation, amendments to the PHI Law need to be made so that the meaning set by the Constitutional Court is explicitly accommodated in the law. Without normative updates, the verdict risks being ignored by law enforcement officials at the implementation level. In addition, increasing legal literacy for trade unions and workers is important so that they understand their constitutional rights and are able to use legal channels effectively.

## CONCLUSION

The unclear regulation of Article 82 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes creates procedural injustice for workers in layoff lawsuits. So that The Constitutional Court's Decision No. 132/PUU-XXIII/2025 is an example of legal discovery by the Constitutional Court, using interpretation to balance certainty and justice, thereby strengthening the protection of workers from injustice. Calculating the one-year deadline from the notice of layoff—without taking into account the duration of mediation/conciliation—puts workers in an unbalanced position, erodes access to justice and burdens the right to fair legal certainty. This condition emphasizes the existence of a vacuum/inequality of relative norms that requires correction through legal discovery. By reinterpreting the starting point of the deadline since "no mediation or conciliation agreement has been reached", the Constitutional Court did not create a new norm (*rechtschepping*), but to carry out a teleological and systematic reinterpretation to restore the purpose of the PHI Law—protecting vulnerable parties—and align it with Article 28D paragraph (1) and Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This ruling enriches the doctrine of substantive justice in labor law, corrects worker-employer asymmetry, and provides judicial guidelines for industrial relations courts in managing lawsuit deadlines proportionately. and answer the injustices that may arise on the side of workers affected by layoffs.

Then The Constitutional Court through Decision Number 132/PUU-XXIII/2025 clearly carried out Finding justice by using a teleological and systematic interpretation approach to fill the gap in these norms. Normative analysis shows a close relationship with theory Finding justice, where the Constitutional Court as a constitutional judge plays an active role in creating justice. Finding justice in the Indonesian legal system is not just a methodological choice, but a normative mandate in accordance with Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power. The judge is required to move from law in books towards law in action through grammatical, systematic, historical, and especially teleological interpretations when positive norms are inadequate. So that the Constitutional Court Decision No. 132/PUU-XXIII/2025 affirms that legal certainty must not be separated from justice. Through Finding justice oriented towards goals and systems, the Court restored Article 82 of the PHI Law to its substance, protecting the weak and ensuring effective access to justice.

## Suggestion

The next task lies with legislators and judicial authorities to institutionalize this constitutional meaning—through amendments, technical guidelines, and process governance—so that justice does not stop in the courtroom, but is felt in the living space of Indonesian workers. The amendment of the PHI Law is a propriety for the sake of ensuring legal certainty and protecting the guarantee of justice for all parties.

## REFERENCES

- [1] Bagir Manan, *Menemukan Kembali Pembangunan Hukum Nasional*, Setara Press, 2023
  - [2] Bernard L. Tanya dkk., *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Genta Publishing, 2013
  - [3] Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sinar Grafika, 2010
  - [4] Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, 2006
  - [5] Maria Farida Indrati, *Ilmu Perundang-undangan: Jenis, Fungsi, dan Materi Muatan*, Yogyakarta: Kanisius, 2007
  - [6] Mochtar Kusumaatmadja, *Konsep-konsep Hukum dalam Pembangunan*, Alumni, 2002
  - [7] Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, 2017
  - [8] Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar*, Liberty, 2009
  - [9] Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*, Genta Publishing, 2009
  - [10] Arthur M. Schlesinger Jr., *The Supreme Court: 1947, Fortune*, Januari 1947
- Laws and Regulations
- [11] Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
  - [12] Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial
  - [13] Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman
  - [14] Putusan Mahkamah Konstitusi Nomor 132/PUU-XXIII/2025