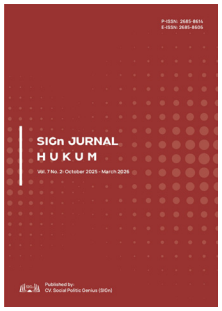

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Article Title

Reconstruction of Civil Judicial Activism Limitations: A Juridical Analysis of *Ultra Petita* Decisions for Legal Certainty and the Principle of Party Autonomy

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ABSTRACT

This research is prompted by the fundamental tension between the pursuit of substantive justice through discretionary (ex aequo et bono) decision-making and the prohibition on beyond-the-petition (ultra petita) decisions that prejudice procedural legal certainty. These dynamics have become increasingly complex following the issuance of Supreme Court Circular Number 2 of 2024. This regulation instructs judges to supplement their legal reasoning ex-officio with CTS data, which, in principle, could expand the scope of judicial activism beyond formal jurisdictional boundaries. This research aims to analyse the conceptual dialectic between judicial independence and party autonomy, to construct the boundaries of judicial activism post-implementation of Supreme Court Circular Number 2 of 2024, and to evaluate the ratio decidendi and juridical implications of land dispute decisions regarding the protection of the Defendant's procedural rights. The research method employed is prescriptive-normative legal research, drawing on statutory, case, and conceptual approaches. The results indicate that judges' freedom to decide cases is not absolute. This authority is constrained by the functional jurisdiction of the courts as regulated in Law Number 2 of 1986 and the imperative prohibition of Article 178 section (3) of the HIR. A paradigm comparison with Law Number 30 of 1999 reaffirms that the limitations of claims in the general judiciary must be rigidly maintained due to the compelling nature of civil procedural law (dwingend recht). The construction of judicial activism boundaries lies in the separation between strengthening the quality of legal reasoning and prohibiting unilateral additions to the material petition. Verification of the case of G. Yohana Lembang et al. proves that activism exceeding the claims results in land legal uncertainty and legitimizes an extraordinary legal remedy of Judicial Review pursuant to Article 67 point c of Law Number 14 of 1985. In conclusion, the protection of party autonomy is the primary parameter for the validity of judicial activism. The Supreme Court is advised to formulate technical guidelines for the "supplementing legal reasoning" parameter to prevent procedural law malpractice that prejudices the private rights of legal subjects.

Keywords: *Ex Aequo Et Bono; Judicial Activism; Party Autonomy; Ultra Petita.*

INTRODUCTION

Judicial power in Indonesia is an independent state power exercised to administer justice and uphold the law in accordance with Pancasila and the 1945 Constitution. Normatively, Article 1 point 1 of Law Number 48 of 2009 reaffirms the independence of judges in examining, adjudicating, and deciding cases to ensure legal certainty. However, in practice, this independence often conflicts with the dynamics of seeking substantive justice, which prompts judges to engage in judicial activism. Safa'at et al. (2024) states that the Supreme Court, as the highest judicial institution, plays a central role in maintaining the unity of legal application through its supervisory and regulatory functions. This phenomenon is crucial in civil procedural law. Judges are faced with a dichotomy between a passive role to respect party autonomy and an active obligation to discover material truth through careful legal considerations, in accordance with the functional authority of the courts under Law Number 2 of 1986.[1]

A fundamental issue in civil procedural law arises when judges exercise legal discretion through the subsidiary prayer for relief as requested (*petitum subsider ex*

[1]Law Number 2 of 1986, as amended several times, lastly by Law Number 49 of 2009.

aequo et bono) to render a decision that exceeds the plaintiff's claims, known as *ultra petita*. Classically, Article 178 section (3) of the HIR and Article 189 section (3) of the RBg explicitly prohibit judges from granting what is not demanded or providing more than what is requested. This limitation aims to maintain the balance of the parties' positions and prevent a surprise decision that prejudices the Defendant's procedural rights. Wijanarko (2025) emphasises that the application of *ultra petita* without objective parameters will create legal uncertainty, even if the judge argues it is for the sake of substantive justice. Therefore, the limitations on judicial activism in interpreting the *ex aequo et bono* petition require a juridical reconstruction. This is essential to ensure that judicial discretion does not exceed judicial authority.

The Principle of Party Autonomy (*Partij Autonomie*) is the primary pillar of civil procedural law, positioning the parties as the subjects who determine the scope and boundaries of a dispute. In principle, judges remain passive and are bound only by the scope presented in the statement of facts (*posita*) and the prayer for relief (*petitum*) of the lawsuit. The tension between substantive justice and legal certainty often tests the integrity of this principle in Indonesian judicial practice (Firmansyah et al., 2025). Compared with this autonomy paradigm, arbitration under Law Number 30 of 1999 is also a serious discourse in dispute resolution. Roosdiono and Taqwa (2024) affirm that the authority of the decision-maker must remain derived from the parties' will (party autonomy). This principle should be universally upheld to avoid procedural law malpractice within the general court system, which possesses the characteristics of compelling law (*dwingend recht*).

The urgency of this research increases with the issuance of Supreme Court Circular Number 2 of 2024. Within the General Civil Chamber, there are instructions for judges to observe the provisions of Article 178 of the HIR/189 of the RBg, which mandate that judges, by virtue of their office (*ex-officio*), must supplement legal reasoning not raised by the parties. This Circular Letter also allows judges to base legal considerations on valid data from the Case Tracking System (CTS). Conceptually, this judicial policy expands the space for judicial activism, which potentially intersects directly with the prohibition of *ultra petita*. There is an urgent need to analyze whether the mandate to "supplement legal reasoning" in the Circular Letter can be used as a justification for judges to grant a petition not requested by the Plaintiff, or if it remains limited solely to strengthening legal arguments.

The uncertainty of the boundary between legitimate discretion and the excess of authority often prejudices the Defendant, who is not allowed to mount a defence against new matters decided by the judge. Article 67 point c of Law Number 14 of 1985 stipulates that a decision granting a matter not demanded constitutes grounds for a Judicial Review (*Peninjauan Kembali*). This proves that the limitation of *ultra petita* is an instrument for protecting human rights within the judicial process (due process

of law). Nevertheless, Supreme Court jurisprudence in land dispute cases shows variations in application. Occasionally, judges justify *ultra petita* actions by arguing that they resolve disputes completely and comprehensively (Wijaya et al., 2025). This inconsistency indicates a lack of clear conceptual parameters for distinguishing between productive and destructive judicial activism, which undermines the civil procedural law system.

Previous research on *ex aequo et bono* has generally focused on a theoretical level or been limited to specific judicial environments, such as the Religious Courts or Arbitration (Umam & Nasution, 2023; Hardyansah & Asis, 2024). There is a limitation in studies that specifically reconstruct the boundaries of civil judicial activism by integrating the latest regulatory dynamics, such as Supreme Court Circular Number 2 of 2024 and the utilization of CTS technology. The novelty of this manuscript lies in the effort to synchronize the judge's obligation to supplement legal reasoning with the protection of party autonomy to ensure equitable legal certainty. By focusing the analysis on conceptual aspects and supporting it with limited verification of jurisprudence from the first instance to cassation in the case of G. Yohana Lembang et al., this research seeks to fill the void of operational standards for judges in exercising discretionary functions without undermining the private nature of civil procedural law principles.

Based on this background, this research aims to analyze the conceptual dialectics of the *ex aequo et bono* principle and *ultra petita* limitations from the perspective of party autonomy. Furthermore, this research aims to construct the boundaries of judicial activism following the implementation of Supreme Court Circular Number 2 of 2024 through the transformation of the judge's role in the CTS system, as well as to evaluate the *ratio decidendi* and the juridical impact of land dispute decisions on the protection of the Defendant's procedural rights. Academically, the benefits of this research are expected to contribute to the development of civil procedural law theory, particularly regarding the harmonization of judicial activism and party autonomy. In practice, the results of this research are intended to serve as recommendations for judges in formulating accountable legal considerations in accordance with the functional authority limits of the courts, as regulated by laws and regulations.

METHOD

This research employs a prescriptive-normative legal research method to provide a juridical assessment of the limitations of judicial activism in civil procedural law. The approaches used include the statute, case, and conceptual approaches (Qamar & Rezah, 2020). The statute approach is conducted to examine regulatory consistency between the HIR and the RBg against relevant laws and legal instruments. The case approach is applied in a limited manner by analyzing a series of land dispute decisions

to verify the implementation of the prayer for relief based on equity and conscience (*ex aequo et bono*). Meanwhile, the conceptual approach serves as the primary analytical framework for comparing the autonomy paradigm in the Indonesian litigation system with that in the Indonesian arbitration system.

Primary legal materials in this research consist of laws and related legal instruments (Sampara & Husen, 2016). These include Law Number 48 of 2009, Law Number 14 of 1985[2], Law Number 2 of 1986, Law Number 30 of 1999, and Supreme Court Circular Number 2 of 2024. Furthermore, the primary legal materials encompass Decision Number 103/Pdt.G/2015/PN.Mak, Decision Number 266/Pdt/2016/PT.Mks, and Decision Number 2246 K/Pdt/2017, obtained from the Supreme Court Decision Directory as a CTS. Secondary legal materials were comprehensively collected from twenty-three nationally and internationally reputable scientific journal articles relevant to the discourse on claim limitations and the independence of judicial power.

Legal material collection techniques were carried out through systematic document and literature studies of formal legal texts and scientific manuscripts. Searches were conducted to extract legal norms and theories relating to the judge's authority by virtue of the office (*ex-officio*) in supplementing legal reasoning. In line with the mandate of Supreme Court Circular Number 2 of 2024, this research also adopts a valid data-tracking technique through the CTS as an additional reference for understanding the factual context of legal considerations. The collection of these legal materials prioritized primary and secondary sources published within the last ten years to maintain the relevance of the analysis to the dynamics of civil procedural law in Indonesia.

The legal material analysis technique employs a descriptive qualitative method with deductive logic to produce specific conclusions from general legal premises (Irwansyah, 2020). The analysis is conducted through systematic and teleological interpretation of the prohibition on ruling beyond the petition (*ultra petita*), in relation to the judge's obligation to explore legal values. Primary and secondary legal materials are processed dialectically to address the research problems concerning the judge's reason for the decision (*ratio decidendi*) and its juridical impact on land legal certainty. This analysis examines whether judicial activism in deciding cases based on propriety has met the standards for protecting the procedural rights of the parties or, conversely, has violated the principle of the rule of law. The results of the analysis are presented in a narrative-argumentative manner to construct accountable parameters for the limits of judicial discretion in accordance with the established research objectives.

[2]Law Number 14 of 1985, as amended several times, lastly by Law Number 3 of 2009.

RESULTS AND DISCUSSION

A. Conceptual Dialectics of the *Ex Aequo Et Bono* Principle and *Ultra Petita* Limitations from the Perspective of Party Autonomy

Judicial power in Indonesia, as mandated in Article 24 section (1) of the 1945 Constitution, is an independent authority to uphold law and justice. This judicial independence is reaffirmed through Article 1 point 1 of Law Number 48 of 2009, which guarantees the freedom of judges from the influence of other powers in adjudicating cases. However, such independence is not absolute. This authority is constrained by the functional jurisdiction of the courts as regulated in Article 50 and Article 51 of Law Number 2 of 1986 and Article 28 of Law Number 14 of 1985. Safa'at et al. (2024) emphasizes that the Supreme Court, in exercising judicial power, must remain within constitutional corridors. This aims to balance discretionary power with procedural accountability under procedural law. In the civil realm, judicial independence is often tested by the dichotomy between efforts to achieve substantive justice and the need to respect the formal boundaries established by the parties.

The fundamental principle controlling the civil litigation process is the Principle of Party Autonomy. This principle positions legal subjects as the determiners of the scope of the dispute. Judges within the Indonesian civil justice system traditionally adhere to the passive principle. The extent of the case examination depends entirely on the arguments presented by the parties. Roosdiono and Taqwa (2024) affirm that the essence of civil dispute resolution lies in the respect for the will of the parties (party autonomy). Compared with the general court litigation system, this limitation is far more rigid, and it provides far less flexibility than Law Number 30 of 1999. While in arbitration, the parties may grant a full mandate to the arbitrators to decide based on justice and propriety (Chandra & Lubis, 2024; Hadylaya, 2024), in civil litigation, judges are bound by the prohibition of ruling beyond the petition (*ultra petita*) to maintain the stability of private legal relationships (Siregar, 2021; Dahliani & Tuasikal, 2025).

The principle of as requested (*ex aequo et bono*), contained in the subsidiary prayer for relief (*petitum subsider*), is often used as an instrument of legal discovery (*rechtsvinding*) to formulate a fair decision if the *primary petition* cannot be entirely granted. However, doctrinally, the request for the judge to decide "as justly as possible" should not be interpreted as a legal basis for committing *ultra petita*. Librayanto et al. (2019) explains that the strengthening of judicial independence must be accompanied by the structuring of authority to prevent the abuse of discretion that leads to judicial disorder. Disregarding the limitations of the claims

under the pretext of propriety is an anomaly that threatens the structure of civil disputes. This differs from the spirit of Article 56 of Law Number 30 of 1999, which requires a written agreement for the decision-maker to act as an *amiable compositeur*. This limitation is reaffirmed in Article 178 section (3) of the HIR and Article 189 section (3) of the RBg, which imperatively prohibit judges from providing more than what is requested or granting matters not demanded.

Limitations on judicial action are explicitly an elaboration of the court's functional authority to examine and decide cases in accordance with applicable laws and regulations. The provisions of Article 178 section (2) and section (3) of the HIR mandate that judges adjudicate all parts of the claims. Furthermore, judges are strictly prohibited from rendering a decision on matters not demanded. This prohibition is imperative to prevent a surprise decision that deprives the Defendant of the right to defend. Wijanarko (2025) states that *ultra petita* decisions across various judicial environments often arise from the absence of objective parameters for balancing the urgency of justice with legal certainty. Systematically, compliance with formal procedural law is a guarantee that judicial institutions do not exceed their absolute or relative competence in deciding private disputes.

From the perspective of substantive law, party autonomy stems from the principle of freedom of contract, as set out in Article 1338 of the Civil Code. This article states that legally binding agreements shall prevail as law for those who make them. When a contract dispute is brought to court, the judge should act as the guardian of that agreement. The judge does not act as a party that reconstructs the will of the parties without an explicit request. Leonard et al. (2022) argues that excessive judicial intervention in private relationships can undermine the essence of the freedom of contract. Echoing this, Siregar (2021) emphasizes that compliance with agreed-upon clauses is a form of respect for the principle of *pacta sunt servanda*. Thus, the judge's action in granting something outside of both the *primary* and *subsidiary petitions* in the name of *ex aequo et bono* directly intervenes in the private sovereignty guaranteed by substantive civil law.

The tension between substantive justice and legal certainty often places judges at a complex legal crossroad. Firmansyah et al. (2025) refers to this phenomenon as the tension between pursuing real justice and maintaining the integrity of a rigid legal system. A critical analysis shows that the pursuit of substantive justice must not be pursued at the expense of existing procedural laws. These procedures were created precisely to guarantee justice for all parties. An *ultra petita* decision may appear fair to the Plaintiff, but it is fundamentally unjust for the legal system as a whole because it creates a precedent for judicial disorder. As emphasized by Librayanto et al. (2019), the main pillar of law enforcement lies in the consistency between prevailing norms and the exercise of authority by

general civil judicial institutions within the corridors of Law Number 14 of 1985 and Law Number 2 of 1986.

Ultimately, the protection of the parties' procedural rights is the core of the due process of law, which must be upheld at every level of the judiciary. Article 67 point c of Law Number 14 of 1985 establishes that a decision granting matters not demanded constitutes valid grounds for the aggrieved party to file an extraordinary legal remedy of Judicial Review. This proves that the limitation of judicial activism through the prohibition of *ultra petita* is a mechanism for protecting human rights in the context of access to justice. Safa'at et al. (2024) concludes that the Supreme Court's position as the highest supervisor of the judicial bodies beneath it carries a great responsibility to ensure that *ex aequo et bono* discretion is not abused. Such discretion must not become a tool to justify arbitrary actions that prejudice the parties' autonomy, as this autonomy paradigm is also recognised, albeit in a limited capacity, under Law Number 30 of 1999.

B. Construction of Judicial Activism Limitations Post-Implementation of Supreme Court Circular Number 2 of 2024: Transformation of the Judge's Role in the CTS System

The implementation of Supreme Court Circular Number 2 of 2024 marks a new phase in the transformation of the judge's role within civil proceedings in Indonesia. Specifically, the formulation of the General Civil Chamber in the Circular Letter provides instructions for judges to be more active in strengthening the quality of decisions through the optimization of Article 178 section (1) of the HIR or Article 189 section (1) of the RBg. This mandate obligates judges, by virtue of their office (*ex-officio*), to supplement legal reasoning not presented by the parties during the deliberation process. Wijanarko (2025) argues that this step is a strategic effort by the Supreme Court to reduce decisional disparity. However, this expansion of roles must remain grounded in the functional authority of the courts as regulated in Article 50 and Article 51 of Law Number 2 of 1986 and Article 28 of Law Number 14 of 1985. These provisions limit the judge's duties to the examination of disputes within the scope of their judicial jurisdiction.

The implementation of Supreme Court Circular Number 2 of 2024 must be hierarchically synchronized with Law Number 48 of 2009. Article 4 section (2) of that Law reaffirms the principle of simple, speedy, and low-cost justice. Meanwhile, Article 5 section (1) of the Law requires judges to explore, follow, and understand the legal values and sense of justice living within society. Fathan et al. (2025) notes that the obligation to explore legal values is often used as a shield for excessive judicial activism. In this context, the instruction of Supreme Court Circular Number 2 of 2024 to supplement legal reasoning must be interpreted as

reinforcement of the aspect of legal reasoning. It is not the granting of legitimacy to judges to create a new prayer for relief (*petitum*) that exceeds the will of the parties, an autonomy highly upheld even within the regime of Law Number 30 of 1999 through the principle of the parties' free will.

The transformation of the judge's role is also strengthened through the legality of using valid data sourced from the CTS, as regulated in Supreme Court Circular Number 2 of 2024. The integration of information technology data into judicial legal considerations represents a major leap toward a data-driven judiciary. Adiningsih and Batubara (2025) emphasize that the transparency of information provided by the judicial electronic system should minimize factual errors in decisions. However, the *ex-officio* use of CTS data by judges must still respect the parties' right to confrontation during the trial. This is in line with the supervisory and judicial administration functions regulated in Law Number 14 of 1985 and Law Number 2 of 1986. In this regard, judges are obligated to ensure the accountability of the data used so that it does not result in decisions that exceed the parties' claims.

The boundary of judicial activism post-Supreme Court Circular Number 2 of 2024 lies in the strict separation between "supplementing legal reasoning" and "granting new claims." Supplementing legal reasoning relates to the judge's intellectual ability to identify the appropriate legal basis for proven facts, even if that legal basis was not cited by the parties. Ihzafitri et al. (2022) explains that the judge's proactivity in completing the legal basis is a form of protection for parties with limited legal knowledge. However, such activism becomes destructive if the judge uses CTS data to add disputed objects that are not present in the petition. Hardyansah and Asis (2024) affirm that the final limit of a judge's *ex-officio* authority is when such actions begin to encroach upon the substantive aspects of the dispute, which constitute the absolute domain of party autonomy that the district court must guard.

The dynamics of applying *ultra petita* limitations are also found in various specialized judicial environments as a conceptual comparison. In Sharia economic cases and industrial relations, the application of the as requested (*ex aequo et bono*) principle is often tested for its sharpness in facing the prohibition of deciding beyond the claims. Umam and Nasution (2023) state that the interpretation of *ex aequo et bono* must remain grounded in consensual principles and must not override *pacta sunt servanda*. Meanwhile, Chandra and Lubis (2024) argue that judges' courage in making legal breakthroughs must remain bound by the limits set by the parties. This proves that the prohibition of *ultra petita* is a universal principle that is even recognized and regulated in Article 70 point c of Law Number

30 of 1999, through the limitation of grounds for the annulment of an arbitral award if the arbitrator decides exceeding the granted authority.

Inconsistency in following Supreme Court jurisprudence regarding the limits of judicial authority often leads to contradictory decisions. Nasution and Syam (2024) highlight the phenomenon of jurisdictional deviations carried out by judges under the pretext of seeking higher substantive justice. This phenomenon underscores the urgency for the Supreme Court, through Supreme Court Circular Number 2 of 2024, to unify perceptions of the boundaries of judicial activism. Multi-layered analysis shows that the judicial freedom guaranteed by the constitution must not be interpreted as the freedom to ignore formal procedural law, which is compelling law (*dwingend recht*). Without clear parameters, the Circular Letter's instruction to supplement legal reasoning risks being used to justify judges' interventions that exceed the institutional authority established by Law Number 14 of 1985 and Law Number 2 of 1986.

As a conclusion to the reconstruction of activism boundaries, Supreme Court Circular Number 2 of 2024 must be viewed as a guideline for strengthening the intellectual quality of decisions, not as a "license" to justify *ultra petita* practices. Judges are obligated to ensure that any addition of legal reasoning performed *ex-officio* remains based on the facts that have emerged during the evidentiary process in court, in accordance with Article 178 section (1) of the HIR. Judicial accountability is achieved when a judge balances the obligation to pursue substantive justice with absolute respect for party autonomy. Thus, integrating CTS data and measured judicial activism will yield decisions that are not only materially fair but also formally robust. This simultaneously protects decisions from potential annulment through the extraordinary legal remedy of Judicial Review based on Article 67 point c of Law Number 14 of 1985.

C. Analysis of *Ratio Decidendi* and Juridical Implications of *Ultra Petita* Decisions on the Defendant's Procedural Rights

Empirical verification of the boundaries of judicial activism in civil cases can be objectively examined through the legal dialectics in the series of Decision Number 103/Pdt.G/2015/PN.Mak, Decision Number 266/Pdt/2016/PT.Mks, up to Decision Number 2246 K/Pdt/2017. This land dispute and inheritance case serves as a juridical laboratory to test the consistency of the application of as requested (*petitum ex aequo et bono*) within the corridors of formal procedural law. Ardiansyah et al. (2025) emphasizes that the evidentiary strength of a land ownership certificate should provide rigid legal certainty. However, such strength is often reduced when judges prioritize subjective interpretations of substantive justice. Wijaya et al. (2025) adds that in agrarian disputes, the dialectic of justice

often prompts judges to make legal breakthroughs that risk exceeding their absolute or relative authority limits as regulated in Article 178 of the HIR or Article 189 of the RBg.

An analysis of the *ratio decidendi* at the first instance in Decision Number 103/Pdt.G/2015/PN.Mak shows the judge's effort to exercise judicial authority as regulated in Article 50 of Law Number 2 of 1986. Although the district court has the authority to adjudicate civil disputes, the application of the subsidiary petition must still observe the limitations of Article 178 section (3) of the HIR. This provision prohibits the granting of matters not requested. Bella et al. (2022) explains that legal accountability in private disputes must rely on a clear legal relationship between the Plaintiff and the Defendant. When a judge utilizes the subsidiary petition to formulate an injunction that is declarative or constitutive in nature outside of the *primary petition*, it conceptually erodes the Defendant's procedural rights. This prejudices the Defendant in preparing a substantive defense against a "surprise decision" (*amar kejutan*) that was never pleaded in the statement of facts (*posita*).

The escalation of *ultra petita* problems is clearly evident at the appeal level, as evidenced by Decision Number 266/Pdt/2016/PT.Mks. At this stage, the appellate judge has the authority to re-examine legal facts thoroughly as a judge of facts (*judex facti*) in accordance with the mandate of Article 51 of Law Number 2 of 1986. A methodological challenge arises when the High Court expands the scope of an injunction beyond what was requested by the Plaintiff under the pretext of complete dispute resolution. Sihombing (2023) argues that discretion based on *ex aequo et bono* is often abused to justify *ultra petita* decisions to avoid future execution obstacles. Comparatively, the limits of *ex aequo et bono* in general court litigation should be more restrictive compared to the flexibility of Article 56 section (1) of Law Number 30 of 1999. That law allows for the overriding of law for the sake of justice only if agreed upon in writing by the parties.

At the cassation level, Decision Number 2246 K/Pdt/2017 becomes an instrument for evaluating the integrity of national civil procedural law. The Supreme Court, as a judge of law (*judex juris*), is tasked with ensuring that the law is correctly applied. This duty includes supervising violations of the prohibition against deciding beyond the claims, in accordance with the functions regulated in Law Number 14 of 1985. Dahliani and Tuasikal (2025) argue that the effectiveness of dispute resolution must still uphold the principle of legality to avoid harming the dignity of the judiciary. The analysis of this cassation decision shows that protection of the Defendant's procedural rights can be guaranteed only if the Supreme Court annuls *ultra petita* injunctions issued at lower levels. Unlike the flexibility in Law Number 30 of 1999, which prioritizes the arbitrator's autonomy

(Roosdiono & Taqwa, 2024), the general judiciary is obligated to maintain the dignity of Party Autonomy by strictly adhering to formal procedural law.

The juridical implications of a decision containing *ultra petita* elements in the land dispute of G. Yohana Lembang et al. also directly affect the binding strength of ownership certificates under Article 32 of Government Regulation Number 24 of 1997. Rahmawati (2024) explains that the transfer of rights to inherited land requires strict procedural precision to avoid substantive legal defects. When a judge renders an *ultra petita* decision that changes the status of land ownership without an explicit request for certificate annulment in the petition, the decision conceptually contradicts the principle of land registration. This prejudices the principle of land registration, both negatively and positively. Lubis et al. (2025) affirms that legal certainty in agreements and asset ownership can only be achieved if judges respect the boundaries of the legal claims submitted by the parties. Judges are not permitted to perform interventions that exceed the private will of the legal subjects, in line with the principle of freedom of contract (Leonard et al., 2022).

As a closing evaluation, this case verification proves that the limitation of judicial activism through the prohibition of *ultra petita* is an instrument for protecting human rights within the context of due process of law. Article 67 point c of Law Number 14 of 1985 explicitly establishes that a decision granting matters not demanded serves as grounds for an extraordinary legal remedy of Judicial Review. Andri (2024) concludes that the restoration of rights in land disputes must be based on accurate legal considerations and must not exceed the reasonable limits of procedural law. The judge's failure to maintain the boundaries of *ex aequo et bono* not only materially prejudices the Defendant; it also damages the structure of party autonomy, which is the main pillar of the civil justice system in Indonesia, in accordance with the spirit of accountable judicial power structuring (Librayanto et al., 2019; Safa'at et al., 2024).

CONCLUSIONS AND SUGGESTIONS

This research concludes that the dialectic between the principle of as requested (*ex aequo et bono*) and the prohibition of ruling beyond the petition (*ultra petita*) is a manifestation of the tension between the pursuit of substantive justice and the necessity of maintaining procedural legal certainty. Conceptually, a subsidiary prayer for relief (*petitum subsider*) must not be interpreted as absolute discretion for judges to intervene in party autonomy. The prohibition against deciding beyond the claims, as regulated in Article 178 section (3) of the HIR and Article 189 section (3) of the RBg, is imperative to prevent surprise decisions. This is essential to avoid depriving the Defendant of procedural rights to mount a defense. A paradigm comparison with

Law Number 30 of 1999 reaffirms that in the general court litigation system, party autonomy must be more strictly guarded than in the arbitration system. This is due to the nature of civil procedural law as compelling law (*dwingend recht*) to ensure the balance of the bargaining positions of legal subjects in private disputes.

The boundaries of judicial activism post-implementation of Supreme Court Circular Number 2 of 2024 must be constructed as a reinforcement of the quality of legal reasoning. These boundaries do not constitute an expansion of material authority to add to the petition unilaterally. The mandate for judges to supplement legal reasoning not presented by the parties, as instructed in the Circular Letter, is a form of optimizing the function of legal discovery (*rechtsvinding*). This function is derived from the material truth revealed during the trial. However, the transformation of the judge's role through the use of CTS data remains subject to the principle of the right to be heard (*audi et alteram partem*). Accountable judicial activism is achieved when a judge can establish the legal basis without altering the object of the dispute or granting claims that were not requested. This effort must remain aligned with the court's functional authority, as regulated by Law Number 14 of 1985 and Law Number 2 of 1986.

The results of the empirical verification of the land dispute case of G. Yohana Lembang et al. prove that the judge's failure to maintain the boundaries of *ex aequo et bono* directly results in the damage of the parties' procedural rights and the stability of land law. The analysis of the *ratio decidendi* from first instance to cassation shows that exceeding the limits of the claims often serves as a pretext for complete resolution of the dispute. However, conceptually, such actions contradict the principles of land registration set out in Government Regulation Number 24 of 1997. The juridical implications of these *ultra petita* decisions not only result in legal uncertainty regarding the evidentiary strength of ownership certificates but also provide legitimacy for the use of the extraordinary legal remedy of Judicial Review based on Article 67 point c of Law Number 14 of 1985. Thus, the protection of party autonomy is the sole criterion for determining the validity of judicial activism in guaranteeing the integrity of the national civil justice system.

Based on these conclusions, several strategic suggestions are proposed, both academically and practically. Academically, a deeper theoretical reconstruction of the boundaries of judicial discretion in civil procedural law is required to harmonize judicial modernization policies with the protection of citizens' private rights. The Supreme Court is advised to formulate more specific technical guidelines regarding the parameters of "supplementing legal reasoning" so that the instructions in Supreme Court Circular Number 2 of 2024 are not abused to legitimize *ultra petita* practices. Furthermore, for judges in the general judicial environment, it is expected that they consistently maintain a balance between the obligation to explore the values

of justice and the absolute compliance with the limits of the claims submitted by the parties. Especially in the utilization of information technology data (CTS), judges must prioritize the principles of transparency and the adversarial nature of proceedings. For legal practitioners, it is recommended to be more meticulous in formulating *primary* and *subsidiary petitions* to provide a safe interpretative space for judges without sacrificing the client's legal certainty.

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