

Limited Material Truth in Civil Procedure: Objective Triggers and Safeguards for Judicial Intervention

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Abstrak

Hukum acara perdata di Indonesia pada umumnya menganut konsep kebenaran formal yang didasarkan pada fakta dan alat bukti yang diajukan para pihak di pengadilan. Penerapannya berkaitan dengan asas hakim pasif yang membatasi peran hakim dalam menilai dalil dan bukti para pihak demi menjaga netralitas serta kepastian prosedural. Namun, dominasi kebenaran formal dapat menimbulkan kesenjangan antara keadilan prosedural dan substantif akibat perbedaan kondisi ekonomi, akses terhadap bantuan hukum dan informasi, serta kemampuan para pihak dalam menyajikan bukti. Penelitian ini bertujuan menganalisis kelemahan dominasi kebenaran formal dan merumuskan model kebenaran materiil terbatas dalam hukum acara perdata. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan, konseptual, kasus, dan filosofis. Hasilnya menunjukkan bahwa kebenaran formal memiliki keterbatasan dalam mengungkap keadaan yang sebenarnya karena bergantung pada kemampuan para pihak untuk membuktikan dalilnya. Penerapan kebenaran materiil secara penuh juga berpotensi mengganggu ketidakberpihakan hakim. Oleh karena itu, diperlukan model kebenaran materiil terbatas berdasarkan parameter objektif, termasuk ketimpangan antarpihak, indikasi manipulasi bukti atau penyalahgunaan proses hukum, serta kebutuhan mewujudkan keadilan substantif. Model ini diharapkan dapat menyeimbangkan kepastian hukum, keadilan prosedural, dan keadilan substantif.

Kata Kunci: kebenaran formal; kebenaran materiil terbatas; hukum acara perdata; peran hakim; keadilan substantif

Abstract

Civil procedural law in Indonesia generally adopts the concept of formal truth, which is based on the facts and evidence presented by the parties in court. The application of this concept is related to the passive judge principle, which limits the judge's role in assessing the parties' arguments and evidence in order to maintain judicial neutrality and procedural certainty. However, the dominance of formal truth may create a gap between procedural and substantive justice due to economic disparities, unequal access to legal assistance, differences in access to information, and disparities in the parties' ability to present evidence. This study aims to analyze the weaknesses of the dominance of formal truth and formulate a limited material truth model in civil procedural law. This normative legal research employs statutory, conceptual, case, and philosophical approaches. The results show that formal truth has limitations in revealing the actual truth because it depends on the parties' ability to prove their claims. The full application of material truth may also potentially undermine judicial impartiality. Therefore, a limited material truth model is needed

through objective parameters, including inequality between the parties, indications of evidence manipulation or abuse of legal process, and the need to realize substantive justice. This model is expected to balance legal certainty, procedural justice, and substantive justice.

Keywords: Formal Truth; Limited Material Truth; Civil Procedural Law; Judicial Role; Substantive Justice.

INTRODUCTION

Civil procedural law in Indonesia is generally grounded in the concept of formal truth, namely truth based on the facts and evidence submitted by the parties at trial. This concept places the parties as the active actors in presenting arguments, facts, and evidence to support their respective interests. Under these conditions, the judge's role is to assess and decide the case on the basis of what is presented in the course of the trial. The application of the concept of formal truth is closely related to the principle of the passive judge, which essentially restrains the judge from determining on his or her own the scope of the dispute beyond what the parties have submitted. Indonesian civil procedural law shows a development from the principle of the passive judge toward a more active role for the judge within certain limits, particularly to support an effective and just judicial process.¹

The principle of the passive judge is essentially needed to keep the judge neutral and impartial toward either party to the case. A judge should not act as a party who seeks out and forms the basis of a claim on his or her own, because doing so may affect independence and impartiality in deciding the case. In judicial practice, the scope of a dispute is in principle determined by the parties, while the judge's task is to examine, assess, and render a decision based on the case submitted. Research by Triani and Samawati shows that the application of the passive judge principle is still tied to the limits on the judge regarding the subject matter of the dispute submitted by the parties and the prohibition on departing from the *posita* and the grounds of the claim.² However, that research also shows that, in practice, the passive judge principle is not always applied in an absolute manner.

A problem arises when the application of formal truth means that the truth obtained through the trial process does not fully reflect the actual circumstances. The truth that emerges is strongly influenced by the parties' ability to present their arguments, produce evidence, understand procedure, and command information relating to the case. A party with limited legal knowledge, economic capacity, or access to legal aid may find it difficult to build adequate proof. This condition can create an imbalance in the proceedings even though, procedurally, both parties are given equal opportunities. The complexity of legal relationships and the inequality in litigation capacity are important reasons to reconsider the rigid application of the passive judge principle in civil procedural law.³

¹ Anita Afriana et al., "Batasan asas hakim pasif dan aktif pada peradilan perdata," *Jurnal Bina Mulia Hukum* 7, no. 1 (2022): 142–154, <https://doi.org/10.23920/jbmh.v7i1.1078>.

² Desi Anggun Triani and Putu Samawati, "Penetapan Asas Hakim Pasif dalam Praktek Peradilan Perdata di Pengadilan Negeri Kelas I A Palembang," *Lex LATA* 7, no. 1 (2025): 64–75, <https://doi.org/10.28946/lexl.v7i1.5122>.

³ Sidi Ahyar Wiraguna, "Dinamika Asas Hakim Pasif Dalam Pembaruan Hukum Acara Perdata Indonesia: Sebuah Telaah Doktrinal," *Governance: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 12, No. 2 (2025): 496–501.

Inequality in proof becomes all the more important because proof is a central part of the examination of civil cases. A judge basically makes decisions on the basis of facts that can be proven at trial, so facts that are not successfully proven may lose their relevance in legal reasoning. This situation shows that formal truth is related not only to the rules of evidence, but also to the parties' actual ability to use the available mechanisms of proof. In certain cases, one party's limitations may cause facts that are in truth important not to be revealed optimally. Applying the passive judge principle in proof can become problematic when a case is highly complex and the facts submitted by the parties do not yet fully reflect substantive truth.⁴

The demand for justice cannot be separated from the judge's duty in carrying out the judicial function. A judge is expected not only to render decisions on the basis of procedure, but also to take into account the value of justice in resolving the dispute under examination. This opens room for the idea that the judge should play a more active role within certain limits, for example to clarify vague facts, to direct the examination process, or to ensure that the parties have balanced opportunities in presenting proof. The ideal position of a civil judge can be achieved through a balance between passivity in determining the object of the dispute and activity in managing the course of the trial. Thus, judicial activism need not be understood as taking over the role of the parties, but as an effort to keep the examination fair and proportionate.⁵

The concept of material truth then emerges as one alternative that can be considered to address the limitations of the search for truth in civil cases. Unlike formal truth, which depends heavily on the facts and evidence submitted by the parties, material truth is oriented toward uncovering the actual state of affairs on the basis of relevant facts. However, the full application of material truth as it is known in criminal procedural law cannot be applied directly in civil procedural law because the characteristics, objectives, and principles of the two fields of law differ. An overly broad application could even risk the judge losing his or her neutral position by becoming too deeply involved in the process of proof. The search for material truth in civil cases needs to be distinguished from the dominance of formal truth, so further study is needed on the limits and form of its application in civil procedural law.⁶

The literature on the passive judge, material truth and procedural justice provides several starting points for reform. Damanik and Lubis emphasize the importance of proof in judicial legal reasoning.⁷ The present study develops a more specific operational question: what observable difficulty warrants a particular response, which existing power authorizes it, and how can the opposing party contest it? Its contribution lies in connecting triggers, limited measures and

⁴ Moody Rizqy Syailendra Putra et al., "Asas Pasif Bagi Hakim Perdata Dalam Mengadili Sebuah Perkara Di Pengadilan: Studi Perkara No. 819/Pdt.G/2024/PN.Jkt.Utr," *Notary Law Journal* 4, no. 2 (2025): 82–91, <https://doi.org/10.32801/nolaj.v4i2.114>.

⁵ Muhammad Urifianto Ardhan et al., "Peran hakim dalam pembuktian peran perdata: studi kasus sengketa perjanjian sewa menyewa," *NUSANTARA : Jurnal Ilmu Pengetahuan Sosial* 12, no. 5 (2025): 1996–2002, <https://doi.org/10.31604/jips.v12i5.2025.1996-2002>.

⁶ Fauziah Lubis et al., "Upaya mencari kebenaran materiil dalam hukum acara perdata," *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 5, no. 2 (2025): 1233–1246, <https://doi.org/10.53363/bureau.v5i2.621>.

⁷ Muhammad Irfan Luthfi Damanik Dan Fauziah Lubis, "Arti Pentingnya Pembuktian Dalam Proses Penemuan Hukum Di Peradilan Perdata," *Judge: Jurnal Hukum* 5, No. 02 (2024): 74–81.

safeguards in one reviewable sequence, rather than claiming that the entire field lacks prior analysis.

The disagreement is often framed too broadly as a choice between a passive judge and an active search for truth. In an ordinary contractual dispute, however, requesting an explanation of two conflicting receipts differs materially from locating a receipt that the claimant has never produced. The first may clarify a pleaded event; the second may supply the missing foundation for one party's case. Without distinguishing the object, source and extent of intervention, the language of material truth leaves that boundary uncertain.

A second difficulty concerns the meaning of inequality. An unrepresented party may face a recorded barrier to understanding an electronic deadline, yet still bear the burden of proving payment. A represented party may submit inconsistent digital documents whose provenance requires examination. Economic position and reliability therefore cannot stand in for each other. The framework requires the court to identify the particular difficulty before selecting assistance, clarification or an authenticity inquiry.

This distinction also answers the institutional objection that a search for justice may become partiality. Intervention can be evaluated by what the judge does, the authority relied on, the information shared and the opportunity to respond. A reviewable record makes it possible to assess whether the measure restored an opportunity to participate or built a substantive case for one side. These questions provide the rationale for the proposed objective triggers and their accompanying limits.

Therefore, this study offers the concept of limited material truth as a reconstruction of the concept of truth in civil procedural law through the proportional strengthening of the judge's role with objective parameters in the form of inequality between the parties, indications of manipulation of evidence or abuse of legal process, and the need to achieve substantive justice. Based on this description, the research problems of this study are what the weaknesses of the dominance of formal truth in Indonesian civil procedural law are, and how a limited material truth model can be constructed so that it can be applied without disrupting the principle of judicial impartiality.

RESEARCH METHOD

This study uses normative legal research with statutory, conceptual and philosophical interpretation. The primary framework comprises the HIR principles governing proof and the scope of adjudication, and the statutory duties of the judiciary. Scholarship on civil evidence, judicial management and access to justice supplies the conceptual materials. Reported case analyses are examined through the cited literature; they are not treated as an independently assembled sample of court records. The inquiry therefore evaluates legal compatibility and constructs a prescriptive model rather than measuring the frequency of judicial intervention.

This is normative and conceptual legal research. Its principal materials are Indonesian civil-procedure principles and relevant HIR/RBg evidentiary and procedural provisions, the law governing judicial power, and scholarship on the distribution of pleadings, burdens of proof, judicial case management and access to justice. The case approach is limited to decisions and reported case analyses expressly discussed in the cited literature; because no transparently delimited primary case sample is assembled, the study does not infer an empirical prevalence

of judicial passivity or inequalities. Its “law in action” observations are secondary interpretations rather than original court observation.

The analytic sequence distinguishes party disposition of claims from case management, identifies legally observable procedural barriers, tests possible responses against due process and proportionality, and classifies which responses are compatible with current judicial duties and which would require express procedural reform. The resulting framework is prescriptive and not a claim that the proposed parameters are already recognized as a binding test.

RESULTS AND DISCUSSION

Formal Proof, Party Disposition and Unequal Participation

The distinction between the legal force of evidence and the judge's management of its examination is essential. Salmah, Handayani and Hadiyanto examine authentic deeds within the Indonesian civil-proof framework.⁸ A measure intended to make a document understandable cannot silently reduce its legally prescribed evidentiary effect or shift the burden of a party contesting it. The limited-material-truth model must respect those rules while providing an opportunity to clarify the pleaded event to which the document relates.

Theoretically, formal truth is needed to maintain the judge's neutrality and to give the parties room to determine the interests they are fighting for. This approach also sets a limit so that the judge does not take over the position of either party in the examination of the case. However, an overly rigid application of formal truth can cause the actual facts not to be fully uncovered at trial. The application of the passive judge principle still needs to be balanced against the need to achieve substantive justice in civil cases.⁹ Thus, formal truth needs to be maintained as the basis for examining cases, but it should not become an obstacle to the judge ensuring that the trial proceeds fairly.

Civil procedural law functions not only to regulate the procedures for resolving disputes, but also as an instrument for achieving just case resolution. In that process, proof holds an important position because it is the basis on which the judge assesses the facts submitted by the parties. Proof in civil cases is essentially used to juridically reconstruct past facts, not to find absolute truth. Therefore, the process of proof must be carried out carefully so that relevant facts can be assessed objectively by the judge. This understanding shows that civil procedural law needs to maintain a balance between procedural certainty and the need to obtain an accountable picture of the facts.

Judicial neutrality is an important principle because the judge must maintain a balanced position toward the parties in the trial process. However, neutrality does not mean that the judge must be entirely passive at every stage of the examination of a case. A judge can still play an active role in managing the course of the trial as long as such action does not turn the judge into a party to the dispute. A judge's active role within certain limits can support a judicial process that is swift, simple, and low-

⁸ Salmah, Pristika Handayani, and Alwan Hadiyanto, “Kekuatan Pembuktian Akta Autentik dalam Penyelesaian Sengketa Perdata di Indonesia,” *Jurnal USM Law Review* 9, no. 2 (2026): 1107–1127, <https://doi.org/10.26623/julr.v9i2.13959>.

⁹ Rizka Afi Aryana, “Penerapan prinsip hakim pasif dan aktif dalam proses pembuktian hukum acara perdata,” *Jurnal Multidisiplin Ilmu Akademik* 2, no. 1 (2025): 115–119, <https://doi.org/10.61722/jmia.v2i1.3184>.

cost.¹⁰ Thus, a judge can perform an active function in a limited manner without abandoning the principle of impartiality in civil procedural law.

Reform must also distinguish different judicial functions. Parengkuan and colleagues examine the effectiveness of mediation in an unlawful-act dispute under Supreme Court Regulation No. 1 of 2016.¹¹ Facilitation of settlement illustrates active procedural management, but does not establish an unrestricted power to investigate facts during adjudication. A mediator's effort to help parties resolve a dispute and a trial judge's evaluation of contested evidence require separate legal justification. The model developed here concerns the latter and cannot borrow authority merely from the former's restorative purpose.

A judge does not fulfill his or her role merely by applying rules mechanically in deciding a case. A judge also needs to ensure that the examination of the case proceeds fairly, in a balanced manner, and gives the parties a proper opportunity. A civil judge may be passive in determining the object of the dispute, yet remain active in managing the trial and helping to ensure that the process runs in a balanced way.¹² This role is especially important when a party has little understanding of legal process or has limitations in following the trial. Therefore, judicial activism needs to be directed toward managing the process and achieving justice, not toward siding with either party.

The earlier critique of civil procedural principles by Muqaddas provides a broader context for examining whether formal rules secure meaningful access to justice. In the present model, that inquiry remains tied to specific procedural obstacles and lawful corrective measures.¹³

One problem in civil procedural law is the assumption that the parties hold equal positions in the trial process. Normatively, the parties have the right to submit arguments, present evidence, and defend their interests before the court. However, equality of rights in the formal sense does not necessarily indicate equality in the ability to exercise those rights. Differences in economic condition, legal knowledge, access to legal aid, and the ability to present evidence can give rise to inequality in the judicial process. Groups with limited economic means and legal literacy still face obstacles to obtaining equal access in civil proceedings, which can affect the realization of substantive justice.¹⁴

In practice, the parties may enter the judicial process with different social and economic conditions. A party with greater economic capacity tends to have broader opportunities to obtain the assistance of an advocate, present experts, locate documents, and prepare proof. Conversely, a party with limited resources may have difficulty understanding procedure, preparing evidence, and conveying his or her

¹⁰ Alya Nur Kamila et al., "Lingkup Penerapan Asas Hakim bersifat Pasif dan Aktif dalam Pembuktian pada Perkara Perdata di Indonesia," *Jurnal Kajian Hukum Dan Kebijakan Publik* 3, no. 4 (2026): 538–549, <https://doi.org/10.62379/fw4dy055>.

¹¹ Harumi Ram Tatiana Parengkuan et al., "Analisis Yuridis terhadap Efektivitas Mediasi dalam Penyelesaian Sengketa Perbuatan Melawan Hukum berdasarkan Peraturan Mahkamah Agung Nomor 1 Tahun 2016," *Jurnal Hukum, Politik Dan Ilmu Sosial* 5, no. 1 (2026): 62–78, <https://doi.org/10.55606/jhps.v5i1.5918>.

¹² Sherenika Putri, "Peran Hakim Dalam Menjamin Keseimbangan Hak Dan Kewajiban Para Pihak Dalam Proses Persidangan Perdata," *Sriwijaya Journal Of Private Law* 1, No. 2 (2025): 155–64.

¹³ Busyro Muqaddas, "Mengkritisi Asas-asas Hukum Acara Perdata," *Jurnal Hukum IUS QUIA IUSTUM* 9, no. 20 (2002): 18–31, <https://doi.org/10.20885/iustum.vol9.iss20.art2>.

¹⁴ Asliani Harahap Et Al., "Analisis Ketimpangan Dalam Penerapan Hukum Melalui Perspektif Teori Hukum Kritis," *Jurnal Kebijakan Reformasi Hukum* 10, No. 5 (2026): 121–32.

interests optimally. Unequal access to legal aid remains a problem for poor and marginalized communities in gaining access to justice.¹⁵ This condition shows that equality before the law cannot be achieved merely by granting equal rights, but also requires support so that each party can exercise those rights effectively.

Rangkuti and Pane connect the Legal Aid Law with access to justice.¹⁶ Aisyah's analysis of pro bono assistance addresses the position of marginalized participants in civil litigation.¹⁷ These works support distinguishing representation and legal advice from neutral judicial explanation of procedure. A judge may ensure that a litigant understands a procedural step without devising the litigant's substantive case. Where the obstacle requires legal strategy or preparation of proof, appropriate assistance addresses it more directly than expanded judicial fact-finding.

Electronic litigation presents two different problems. Bachsin and colleagues examine the position and assessment of electronic evidence, which concerns the reliability of material offered as proof.¹⁸ Ratih examines procedural justice in e-court, which concerns participation in the process itself.¹⁹ Difficulty accessing an electronic hearing does not establish that a document is false; conflicting provenance does not establish that a participant needs legal aid. The appropriate response depends on which obstacle is demonstrated, and the distinction prevents a general appeal to digital inequality from authorizing unlimited intervention.

The positive-law starting point keeps three duties distinct. Article 163 HIR addresses proof of asserted rights and events. Article 178(2) requires determination of the parts of the claim, while paragraph (3) limits adjudication of matters not claimed or relief beyond what is claimed.²⁰ These rules constrain the proposed model: clarification can concern a disputed payment already put in issue, but cannot create a new claim or establish its facts through the judge's independent initiative.

Article 4 of the Judicial Power Law pairs equal adjudication with the court's duty to help justice seekers overcome obstacles to simple, speedy and low-cost proceedings.²¹ That duty supplies an institutional reason to address procedural barriers, while leaving the particular measure subject to applicable procedural law. It does not itself establish a general discovery power. The court must still identify how the proposed assistance fits its lawful role and why it does not change the substantive burden borne by a party.

¹⁵ Nurrahim Hasan Al Banna et al., "Analisis Ketimpangan Keadilan di Indonesia: Potret Buram Hukum yang Berpihak pada Kuasa," *Pancasila: Jurnal Keindonesiaan* 5, no. 1 (2025): 125–134, <https://doi.org/10.52738/pjk.v5i1.728>.

¹⁶ Liza Hafidzah Yusuf Rangkuti and Orin Sabrina Pane, "Nilai Keadilan sebagai Landasan Pembentukan Undang-undang Bantuan Hukum Guna Mewujudkan Akses Terhadap Keadilan," *Neoclassical Legal Review: Journal of Law and Contemporary Issues* 3, no. 1 (2024): 1–11, <https://doi.org/10.32734/nlr.v3i1.15695>.

¹⁷ Nandhyra Syafa Nur Aisyah, "Legal analysis of pro bono legal aid in fulfilling the rights of marginalized groups in civil litigation: analisis hukum tentang bantuan hukum pro bono dalam mewujudkan hak-hak kelompok marginal dalam perkara perdata," *ADHAPER: Jurnal Hukum Acara Perdata* 12, no. 1 (2026): 131–150, <https://doi.org/10.36913/adhaper.v12i1.17>.

¹⁸ Alzasyah Bachsin Et Al., "Kedudukan Dan Penilaian Hakim Terhadap Alat Bukti Elektronik Dalam Proses Pembuktian Perkara Perdata," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, No. 3 (2025): 2364–70.

¹⁹ Soleh Adinda Ratih, "E-Court dan Keadilan Prosedural: Studi Empiris Perspektif Hakim Indonesia," *Hakim: Jurnal Ilmu Hukum dan Sosial* 3, no. 3 (2025): 1345–1358, <https://doi.org/10.51903/wp8x7946>.

²⁰ Republic of Indonesia, *Herzien Inlandsch Reglement (HIR)*, arts. 163 and 178(2)–(3).

²¹ Republic of Indonesia, Law No. 48 of 2009 concerning Judicial Power, art. 4(1)–(2).

The distinction is practical. If a party cannot understand how to submit an already identified document, a neutral explanation of the submission procedure addresses the obstacle. If the party has no evidence of the alleged transaction, the same explanation does not cure the evidentiary deficiency. If the evidence is legally insufficient despite a fair opportunity to present it, the framework leaves the consequence with the ordinary rules of proof. An adverse outcome therefore does not by itself show a procedural distortion.

Limited Material Truth and the Boundary of Judicial Initiative

On the other hand, the full application of material truth as it is known in criminal procedural law also cannot be applied directly in civil cases. The differing character of criminal and civil cases means that the judge's latitude in finding facts must still take into account the position of the parties as those who determine the subject matter of the dispute. If the judge is given overly broad authority to seek and determine facts, there is a risk that the judge's position will shift from that of a neutral party to one who helps build the basis of proof. The passive judge principle in civil cases still has limits, particularly because the judge cannot add to or reduce the subject matter of the dispute that the parties have determined.²² Therefore, an approach is needed that gives the judge room to play a limited active role without eliminating the basic character of civil procedural law.

Based on these conditions, this study offers the concept of limited material truth as a form of reconstruction of the concept of the search for truth in civil procedural law. This concept is not intended to replace formal truth, but to give the judge certain room to pay attention to facts relevant to justice under circumstances that have been determined. Such room is needed particularly when there is inequality in the parties' abilities or when the facts presented at trial do not yet give a sufficient picture of the matter in dispute. The search for material truth in civil procedural law can be part of the renewal of procedural legal thought, although its application must still be adapted to the characteristics of civil cases. Thus, limited material truth is positioned as a model that links procedural certainty with the need to achieve substantive justice.

Butarbutar places proof of a concrete disputed event before its legal qualification.²³ Marda and colleagues examine judicial knowledge in civil proof.²⁴ The resulting distinction is between evaluation of the record and an assumption drawn from information unavailable for adversarial testing. A judge's familiarity with a type of transaction may assist in framing a neutral question, but cannot establish the missing facts of the particular transaction. Reasons must identify the evidence evaluated and permit the parties to answer the inference drawn from it.

Mairista and Zulhidah discuss substantive justice and the supremacy of law in a broader account of law enforcement.²⁵ Applied to this model, the demand for a just outcome must be translated into a legally authorized procedural response.

²² Desi Anggun Triani and Putu Samawati, "Penetapan Asas Hakim Pasif dalam Praktek Peradilan Perdata di Pengadilan Negeri Kelas I A Palembang," *Lex LATA* 7, no. 1 (2025): 64–75, <https://doi.org/10.28946/lexl.v7i1.5122>.

²³ Elisabeth Nurhaini Butarbutar, "Arti Pentingnya Pembuktian dalam Proses Penemuan Hukum di Peradilan Perdata," *Mimbar Hukum* 22, no. 2 (2010): 347–359, <https://doi.org/10.22146/jmh.16225>.

²⁴ Guruh Marda et al., "Pembuktian Hukum Acara Perdata Melalui Pengetahuan Hakim," *Jurnal Magister Ilmu Hukum: Hukum dan Kesejahteraan* 8, no. 2 (2023): 35–49, <https://doi.org/10.36722/jmih.v8i2.2306>.

'Substantive justice' alone supplies neither a threshold for intervention nor an evidentiary power. The proposed framework instead requires a material pleaded fact, an observable distortion in its examination, and a measure whose extent is justified by that distortion.

A proportional judicial role can be exercised by giving procedural direction, requesting clarification of unclear facts, and examining the relationship between the arguments and the evidence submitted. Such actions are not intended to help one party win the case, but to ensure that the examination proceeds objectively. The judge is placed in a position that remains passive in determining the object of the dispute, but can be active in guiding the parties and managing the course of the trial. These limits are important so that judicial activism does not turn into partiality or into taking over the parties' obligation to prove. Thus, the strengthening of the judge's role in this concept is limited, measured, and directed at creating a fair judicial process.²⁶

Formal truth in civil litigation is a shorthand for the manner in which a court determines disputed facts upon pleadings, evidence and civil standards of proof; it does not mean that a court must knowingly accept a false proposition or abandon all procedural initiative. The principle that parties define their claims and requested relief is distinct from the judge's power to organize hearings, ask neutral clarifying questions, assess the probative value of admitted evidence and ensure procedural fairness. The passive-judge principle therefore has differentiated meanings and must not be treated as a blanket prohibition on inquiry.

"Limited material truth" as used here is neither criminal procedure's broad fact-finding aim nor judicial liberty to create a party's case. It is a narrow corrective function: where a specific, observable procedural distortion risks preventing fair evaluation of a pleaded material fact, the judge may use already lawful case-management measures to restore intelligibility and equal procedural opportunity. The model does not transfer the burden of proof, expand the claim, or authorize autonomous investigation to establish facts never asserted by the parties.

The proposed concept can be expressed through four requirements. The fact must already be material to a pleaded claim or defense. The difficulty must be observable in the proceeding. The response must have a lawful procedural basis. Its scope must be no greater than needed to make the relevant examination fair and intelligible. Failure of any requirement defeats reliance on the model, even where the judge considers an alternative outcome more equitable.

A hypothetical payment dispute illustrates the boundary. One party submits a bank transfer record dated after the payment asserted in the pleading; the other contests whether it concerns the same obligation. A neutral question asking each side to explain the connection identifies an ambiguity in existing material. Searching a party's bank history to discover a different transfer would be a further evidentiary act requiring independent authority. The model supports the former inquiry when procedurally lawful and does not authorize the latter merely by invoking material truth.

²⁵ Missy Mairista and Zulhidah, "Penegakan hukum yang berkeadilan dalam perspektif keadilan substantif dan supremasi hukum di Indonesia," *Pendas : Jurnal Ilmiah Pendidikan Dasar* 11, no. 2 (2026): 200–211, <https://doi.org/10.23969/jp.v11i2.52748>.

²⁶ Uni Sabadina, "Peranan Hakim dalam Penegakan Hukum di Indonesia (Suatu Telaah Teoritis dan Normatif)," *Desiderata Law Review* 2, no. 1 (2025): 14–25, <https://doi.org/10.25299/dlr.2025.23917>.

Similarly, a contradiction does not automatically imply manipulation. Different dates may concern authorization, settlement and receipt of funds. The parties must be able to explain those distinctions before the court treats them as evidence of unreliability. The judge's reasoning should identify the contradiction, the explanations received and the limited inference justified. This sequence makes clarification a means of testing evidence rather than a prejudgment of credibility.

Impartiality also has an informational dimension. Any material generated by an authorized inquiry should enter the proceeding through a route that allows the parties to inspect and challenge it. An undisclosed conversation with a witness or reliance on the judge's private knowledge would evade that safeguard. An intervention is not made neutral simply because its stated intention is fair; the procedure must give each side an effective opportunity to answer its consequences.

Objective Triggers, Proportionate Responses and Review

The application of limited material truth requires objective parameters so that the judge's authority does not grow into overly broad authority. These parameters are needed to determine when the judge may play a more active role in examining a case. Several circumstances that can serve as a basis include inequality between the parties, the lack of clarity of important facts, indications of inconsistency among items of evidence, and circumstances that potentially affect the fairness of the decision. Recent research on the passive judge principle emphasizes the importance of clear limits on judicial activism in order to avoid legal uncertainty in civil judicial practice. Therefore, objective parameters are an important part of ensuring that the concept of limited material truth remains within the corridor of civil procedural law.

These parameters are also needed to distinguish between justified judicial activism and judicial action that has entered the territory of one party's interests. A judge may request clarification of unclear facts, assess the consistency of statements, and ensure that the evidence submitted can be properly understood. However, a judge should not seek new evidence to replace the obligation of the party who must prove his or her arguments. In civil cases, the judge remains bound by the subject matter of the dispute and the arguments submitted by the parties, even though in practice there is certain room for the judge to be active. With these limits, the concept of limited material truth can be applied without eliminating the principles of neutrality and legal certainty.

Trigger A is a specific material contradiction within evidence already submitted: two authenticated documents purport to establish the same legally relevant event but materially conflict. The permissible response is to request clarification from both sides and record the reason. It is not permissible to supply a missing document on behalf of the litigant bearing the burden of proof.

Trigger B is an observable inability to participate effectively in a particular evidentiary step, demonstrated by a recorded communication, disability-access, language or other procedural obstacle. The permitted response is a neutral explanation of procedure, equal additional response time or legally authorized assistance. The court must not infer that an economically weaker litigant is truthful or reverse proof burdens purely on socioeconomic assumptions.

Trigger C is a concrete, articulable indication of evidence tampering, such as inconsistent electronic-document provenance or conflicting metadata central to a pleaded fact. The court may require the proponent to explain authenticity or request an authorized technical examination, with both parties heard. A speculative

allegation is insufficient. These triggers differ from the open-ended proposition that intervention is justified whenever “substantive justice” seems desirable; the latter provides no reviewable threshold.

Each permitted measure must satisfy suitability to the identified difficulty, necessity in view of less intrusive options, minimal interference with the parties’ disposition of claims, and equality of opportunity to respond. The parties receive advance or prompt notice, symmetrical access to resulting information, reasons entered in the record, and an opportunity to contest the measure through available procedural routes. A judge may not conduct unilateral factual investigation, construct an unpleaded cause of action, or decide relief beyond the lawful claim.

Maulidiyah and Satriana's work on digital evidence identifies issues in the procedural treatment of electronic material.²⁷ Jayadi's analysis of expert testimony examines its contribution to resolving technical questions.²⁸ These sources support a reasoned inquiry within existing evidentiary powers, with the material and conclusions made available to both sides. Technical assistance does not relieve the party bearing the burden of establishing the pleaded fact, and an expert's answer must remain open to legal and factual challenge.

The triggering record should be specific enough to support review. For a contradiction, it identifies the documents and the material proposition on which they conflict. For a participation barrier, it records the affected step and the demonstrated obstacle, rather than a general label of vulnerability. For an authenticity anomaly, it records the discrepancy in provenance and why it matters to the pleaded fact. Speculation, socioeconomic stereotypes and a judge's preference for an outcome are insufficient substitutes.

Proportionality then connects the difficulty to the measure. A short bilateral request for explanation may resolve a date discrepancy without technical examination. Accessible communication or legally authorized assistance may address a participation barrier without reopening every stage of proof. A specialized authenticity inquiry may be justified only when simpler explanations fail and the applicable procedure permits it. The record should show why the narrower available response was insufficient before a more intrusive one is chosen.

Table 1. Authors’ proposed model of observable triggers, authorized actions and limits; not a binding judicial standard.

Observable trigger	Permissible response	Safeguard and limits
Material contradiction in already admitted documents	Neutral questions requesting clarification from both parties	Reasoned, bilateral; no evidence supplied by judge
Proven barrier to participation in an evidentiary step	Procedural accommodation or adjustment within legal competence	Equal opportunity; no reversal of burden of proof
Concrete authenticity anomaly involving relevant digital evidence	Bilateral inquiry or authorized technical verification	No ex parte evidence collection or unpleaded claims

The operative matrix is thus: documented evidentiary contradiction → neutral request for clarification; demonstrated participation obstacle → proportionate

²⁷ Nurfauzah Maulidiyah and Yustria Novi Satriana, “Eksistensi Digital Evidence dalam Hukum Acara Perdata,” *Jurnal Cakrawala Hukum* 10, no. 1 (2019): 69–76, <https://doi.org/10.26905/idjch.v10i1.2616>.

²⁸ Hendri Jayadi, “Kekuatan Pembuktian Keterangan Ahli Berdasarkan Hukum Acara Perdata Indonesia,” *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 5, no. 2 (2023): 1815–1822, <https://doi.org/10.37680/almanhaj.v5i2.3444>.

procedural accommodation; concrete authenticity anomaly → bilateral authentication inquiry. All three require recorded reasons and adversarial comment; none permits transfer of proof burdens or independent prosecution of a party's case. Improvements in electronic evidence should be considered only where they relate to the authentication trigger, while digital literacy or access barriers are ordinarily handled through legal aid and procedural accommodation.

Success is measured normatively by whether similar triggers produce similar procedural responses, litigants receive equal opportunity to answer, court reasons identify a concrete legal need, parties retain control of the object of litigation, and the exercise of judicial power remains open to challenge or review. These safeguards distinguish the proposal from general exhortations to seek justice. Additional statutory authority would be necessary for any expansive court-directed evidence gathering beyond existing procedural powers.

Review concerns both the decision to intervene and the use of its result. The first asks whether the trigger and legal authority were identified, the scope was proportionate and both parties could participate. The second asks whether the judgment evaluated the clarified material within the ordinary allocation of proof and lawful claim. A court may have properly requested clarification yet still draw an unsupported inference; conversely, a plausible inference cannot retrospectively cure an unauthorized or one-sided inquiry.

The model's limits are therefore operational. It can organize lawful explanation, accommodation and examination, and require reasons for their use. It cannot supply statutory authority that does not exist, erase legally prescribed evidentiary effects, or guarantee the discovery of objective truth. Its contribution is a consistent way to decide and explain limited procedural initiative, with further reform required if the intended measure goes beyond existing powers.

CONCLUSION

Formal truth continues to protect party disposition of the dispute, the allocation of proof and judicial impartiality. Its difficulty lies in circumstances where a specific procedural obstacle prevents fair examination of a material fact already pleaded. Economic disadvantage, uncertainty or dissatisfaction with a likely outcome cannot alone justify intervention. The relevant threshold is a documented participation barrier, material evidentiary contradiction or concrete authenticity anomaly connected to the existing dispute.

Limited material truth supplies a prescriptive framework for responding to those triggers through lawful and proportionate measures. Each response must identify its legal basis, use the least intrusive effective option, preserve the burden of proof, and provide equal access, notice and an opportunity to answer. The court must record why it acted and why the measure remained within the claim. Wider evidence-gathering powers would require an additional legal foundation. This structure makes judicial initiative reviewable while keeping responsibility for the parties' case with the parties.

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