

## The Analysis of Freirechtslehre Flow (The Judge's Creativity in Finding Law) Eungen Ehrlich in Justice and Human Rights Protection

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### Abstract:

#### Purpose:

Freirechtslehre is an approach that recognizes that law consists of written rules and is based on community practice and experience. In this analysis, first of all, Eungen Ehrlich's background and contribution to the development of the Freirechtslehre school are explained. Ehrlich emphasizes the importance of understanding law holistically by involving social, cultural, and economic factors in making legal decisions.

#### Methodology:

The research method that can be used in this analysis is descriptive. This method aims to describe and analyze the flows of Freirechtslehre developed by Eungen Ehrlich and its implications for judges' creativity in finding laws in the context of justice and human rights protection.

#### Findings:

This study concludes that the Freirechtslehre school significantly contributes to our understanding of judges' creativity in finding law and the importance of justice and the protection of human rights.

#### Implication:

In carrying out their duties, judges need to develop creativity in understanding and applying the law and consider the social context and values of justice to achieve justice and adequate protection of human rights.

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## INTRODUCTION

The background of this analysis is the importance of understanding the role of judge creativity in discovering law in the context of justice and human rights protection (HAM). The judge is crucial in deciding the case and interpreting the applicable law in the legal system. However, traditional approaches often view judges as passive legal recourse, only following the rule existing. Eungen Ehrlich, a legal sociologist who lived in the 20th century, developed mind of Freirechtslehre as an alternative to the traditional approach. He argued that the law consists of the written rules and social, cultural, and economic factors that influence legal decisions. Ehrlich emphasizes the importance of understanding the law holistically and considering the social context in discovering and implementing the law.

In the context of justice and protection of human rights, this analysis becomes relevant because the flow of Freirechtslehre places the values of justice and human rights as a foothold in finding law. Judges are considered legal creators who have the creativity to interpret the law reasonably, considering human rights protection and accommodating social change. Thus, the background of this analysis is to explain and understand the Freirechtslehre developed by Eungen Ehrlich and the importance of the judge's creativity in finding law in the context of justice and human rights protection.

The flow of Freirechtslehre (free law) developed by Eungen Ehrlich appears in response to the need for a more holistic approach to finding law. People experience significant social changes at that time, affecting legal dynamics and demands for substantial justice. This flow emphasizes the importance of judges as creative law creators and actively interpreting and applying the law by considering social context, justice values, and human

rights protection. Injustice and human rights protection, Freirechtslehre flows provide a strong foothold in ensuring fair legal decisions following social development and protecting individual rights. By placing the creativity of the judge as a foundation, it acknowledged the importance of legal flexibility in dealing with complex situations. It emphasized the need for a holistic understanding of maintaining justice and protecting human rights in the legal system.

## METHODS

The research method that can be used in this analysis is descriptive. This method aims to describe and analyze the flows of Freirechtslehre developed by Eungen Ehrlich and its implications for judges' creativity in finding laws in the context of justice and human rights protection. Descriptive research will involve analysis of primary and secondary sources related to the work and thoughts of Eungen Ehrlich, including writings, articles, and previous research that discuss the flow of Freirechtslehre. In addition, this study will also involve an analysis of legal cases related to human rights justice and protection, as well as how judges' creativity plays a role in legal decisions in that context.

The data obtained will be analyzed qualitatively, using the hermeneutic approach to understand and interpret Ehrlich's thoughts and relevance in justice and human rights protection. The analysis will involve identifying the concepts, arguments, and approaches used by Ehrlich in developing Freirechtslehre flow, as well as how the creativity of the judge is manifested in the discovery of law that reflects human justice and human protection. This study will provide a deeper understanding of Freirechtslehre flows and its contribution to our understanding of the role of judge creativity in finding law in the context of justice and human rights protection.

## RESULTS AND DISCUSSION

**The Flow of Freirechtslehre, Which Eungen Ehrlich has developed, Explains Judge Creativity in Finding the Law.** The flow of Freirechtslehre developed by Eungen Ehrlich explained the creativity of the judge in finding law by emphasizing the active role of the judge as a law creator. According to Ehrlich, judges are not just a passive rule of rules but have the freedom to interpret the law and decide the case by considering social, cultural, and economic factors that influence the community. In this stream, the creativity of the judge lies in its ability to connect the law with the needs and demands of society and ensure justice is achieved. The judge is expected to be able to use innovative initiatives and thoughts to interpret the law flat, based on a holistic understanding of applicable situations and justice values. Thus, the stream of Freirechtslehre provides legitimacy for the creativity of the judge in finding law, achieving substantial justice, and protecting human rights in the legal system.

In explaining the creativity of the judge in finding law, Freirechtslehre flows also highlight the importance of social context in making legal decisions. Ehrlich argues that the law cannot be separated from the social factors that exist within the community. Therefore, the creativity of the judge in finding the law involves a deep understanding of values, norms, and social demands relevant to the cases it is facing. In Freirechtslehre's flow, the judge is considered to have a broader role than simply applying existing legal rules. They are expected to use their creativity to ensure that the legal decisions taken meet justice and provide protection against human rights. In this context, judges are tasked with integrating the principles of justice and human rights values in their legal findings.

The creativity of the judge in finding the law is also reflected in their ability to understand social change and accommodate the needs of the growing people. Judges must be able to adapt legal interpretations according to community development and changed justice demands. In this case, the creativity of the judge becomes essential in maintaining relevance and use of law to face the complexity of legal issues that arise in modern society. Thus, the flow of Freirechtslehre acknowledged that judges' creativity in finding law was an essential aspect of achieving human rights and protection. Through this use of creativity, judges can ensure that laws are not just formal instruments but also become a means to achieve broader social goals, including justice and human rights protection.

**The creativity of Judges in Finding Law May Contribute to Human Rights Protection.** Judges' creativity in discovering laws can contribute significantly to human rights protection. Judges can produce innovative and responsive legal decisions to challenges and developments in human rights protection through their creativity. Judges' creativity may allow them to look beyond legal text literally and interpret the law in a way that reflects the underlying human rights. In this context, judges may use their creativity to fill disparities or deficiencies

in existing law. They may see opportunities to expand the protection of human rights through extensive and inclusive interpreters of human rights principles in the Constitution and applicable laws. Judges may also use their creativity to face an unforeseen or new situation that appears in society and involves human rights considerations. Thus, the creativity of the judge opens the possibility of a more responsive development of law on developments and challenges in protecting human rights.

In addition, the judge's creativity can help find a fairer and balanced solution in solving human rights cases. Judges may leverage their creativity in complex situations to balance individual rights and the public interest, considering human rights principles. Thus, the creativity of the judge can produce legal decisions that protect human rights substantially and pay attention to the contextual factors that influence the under-consideration situation. In conclusion, the creativity of the judge in finding the law contributed precious to human rights protection. Judges can use this creativity to strengthen human rights protection by interpreting law inclusively, responsive, and balanced against societal challenges and developments.

**The Influence of Freirechtslehre in Understanding and Implementing Justice Values and Protecting Human Rights in Legal Decree.** The influence of Freirechtslehre's flow in understanding and applying justice values and protecting human rights in making legal decisions is very significant. This flow recognizes that the values of justice and protection of human rights cannot be separated from the law-making process. Thus, the flow of Freirechtslehre provides a solid framework to understand and apply the values of justice and human rights in legal practice. This flow emphasizes the need for judges to consider social, cultural, and economic factors that affect the community when breaking the legal case. Thus, judges are tasked with understanding the social context in legal decisions. This flow views that fair legal decisions must pay attention to the values of universal justice and protect human rights as an underlying foothold.

The influence of Freirechtslehre's flow is also seen in the interpretation of better law and inclusion towards human values and human rights. This flow allows judges to use their creativity in connecting laws with applicable social development and applicable justice values. It allows a responsive development of law in the needs and demands of society and human rights protection. Moreover, Freirechtslehre's flows also prompted judges to confirm that the legal decision reflects substantial protection against human rights. The judge must consider human rights principles in making legal decisions and seek a balance between individual rights and the public interest. This flow influence enriches the understanding and application of justice values and human rights in legal decision-making.

Freirechtslehre's flow strongly influences understanding and implementing justice values and protecting human rights in making legal decisions. This flow allows judges to involve their creativity in connecting laws with social context, regarding human rights principles, and reaching fair and legal decisions.

**The Implications and Relevance of Flow Freirechtslehre and Creativity Judge Within Discovering Law in the Context of Justice and Human Rights Protection Right Now.** The implications and relevance of the flow of Freirechtslehre and the creativity of the judge in finding law in the context of justice and human rights protection are currently critical. This flow provides a broader and holistic understanding of the role of judges in achieving substantial justice and human rights protection in the legal system. In this ongoing and complex context, Freirechtslehre's flow provides a relevant framework for judges to interpret law inclusively and responsively to social changes and the development of human justice and rights values. The implication is that the judge can use their creativity to find a fairer legal solution by the demands of justice in cases that involve human rights.

This flow relevance is also seen in an attempt to ensure that the judge adheres to mechanical legal rules and considers underlying human rights values. In human rights protection, legal decisions must protect and advance individual rights and ensure that government actions or other entities do not violate human rights principles. In addition, this flow has also duplicated the importance of responsive legal development to societal developments and challenges in human rights protection. Judges must be able to adapt legal interpretations according to social change and ensure that human rights remain protected in a changing context.

The implications and relevance of the flow of Freirechtslehre and the creativity of judges in finding law in the context of justice and human rights protection today are to ensure that the law is not only a formal tool but also an effective instrument in achieving substantial justice and protecting human rights. These streams provide the framework that enables judges to combine human values of justice and rights protection in making creative, responsive, and just legal decisions in the face of complex, growing challenges in modern society.

In the context of justice and human rights protection today, the implications and relevance of the judge's flow and creativity in discovering the law became increasingly important, given the rapid development of the changing global society. These flows recognize that justice and protection of human rights cannot be considered a static or bound concept to rigid legal norms. The importance of these flows lies in the understanding that judges must adopt a more contextual and responsive approach to protecting human rights. Using their creativity, judges can interpret the law by hooking it with social, cultural, and values recognized in society today. The implication is that the judge can ensure that the legal decisions consider social changes, technological progress, and new challenges in protecting human rights.

The relevance of this flow also lies in the attempt to build an inclusive and fair law. Judges may be using their creativity to address gaps or weaknesses in existing laws that must fully meet the human rights protection standard. Using this approach, judges may expand their understanding and applications of justice values and human rights, including the accommodation of new or neglected individual rights. In addition, the implications and relevance of this flow are also related to the importance of dialogue and cooperation between judges, academics, legal practitioners, and civil society in developing laws based on human justice and rights. This flow encourages the involvement of various parties in legal discovery, thus strengthening the validity of legal decisions and increasing acceptability in the community.

Thus, the implications and relevance of the flow of Freirechtslehre and the creativity of justice judges in finding law in the context of justice and human rights protection today are to promote adaptive, inclusive, and responsive development of society changes and development. It aims to ensure that human rights remain protected effectively, strengthen justice, and reflect the underlying human values.

## CONCLUSION

In conclusion, the flow of Freirechtslehre developed by Eungen Ehrlich has contributed significantly to understanding and applying justice values and protecting human rights in legal decisions. This flow allows judges to use their creativity in finding fair, responsive and appropriate legal solutions to social development. The implications and relevance of this flow lie in the importance of integrating the values of justice and human rights in invention discovery laws and paying attention to social contexts and changes that occur in society. Thus, the flow of Freirechtslehre and the creativity of the judge have a crucial role in ensuring substantial justice and adequate human rights protection in the current legal system.

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