Contents lists available at Sinta 2

Jurnal Bina Mulia Hukum

JURNAL BINA MULIA HUKUM

Journal homepage: https://jurnal.unpad.ac.id/jbmh

Preventing Duplication of Civil Cases: Integrating Res Sub Judice into Indonesian Procedural Law

Erwin Susilo [a*], ***Karell Mawla Ibnu Kamali*** [b]

[a] *Pangkalan Balai District Court Class IB, Supreme Court of the Republic of Indonesia*
[b] *Faculty of Law, University of Oslo, Oslo, Norway.*
**Corresponding Author: erwinowam@gmail.com*

ARTICLE INFO

Volume 10, Number 1, 2025 (149-165)
DOI: https://doi.org/10.23920/jbmh.v10i1.2477
P-ISSN: 2528-7273
E-ISSN: 2540-9034

Article History:
Submitted: 18/03/2025
Revised: 19/08/2025
Accepted: 29/09/2025
Published: 30/09/2025

Keywords: civil procedural law; lawsuit; res sub judice.

ABSTRACT

Indonesian civil procedure law does not yet regulate the res sub judice doctrine, which risks leading to duplicate lawsuits and different decisions because the HIR and RBg only contain provisions on relative and absolute competence. To analyze the comparative regulation of sub judice and res sub judice and to offer an ideal concept for their application in Indonesian civil procedure law. It offers a normative framework to fill legal gaps and prevent forum shopping, an issue that has not been studied in depth before. This study conducts normative legal research using a statutory, conceptual, and comparative approach, referencing practices in India, the UK, Canada, and Kenya. The principle of sub judice protects the judiciary from external influence, while the principle of res sub judice ensures efficiency and legal certainty by prohibiting the double examination of the same dispute. Its integration into Indonesian civil procedure law is necessary through the judge's obligation to declare a double lawsuit inadmissible (*niet ontvankelijk verklaard*) and the plaintiff's obligation to attach a statement confirming the absence of a similar lawsuit to maintain legal certainty and support the principles of fast, simple, and low-cost justice.

INTRODUCTION

In a proverb, it is said, "From one problem to a bigger problem".[1] The expression reflects a sense of hope when a case cannot be resolved through litigation in court. The court is expected to be an institution capable of providing justice and resolving disputes fairly for the parties involved.[2] Regarding contentious lawsuits, there are at least two parties involved, namely the plaintiff and the defendant.[3] One of the fundamental principles in the judicial process is the principle of "swift, simple, and low-cost justice",[4] which is explicitly regulated in Article 2, paragraph (4), of the Republic of Indonesia Law Number 48 of 2009 concerning Judicial Power (Law No. 48 of 2009).[5] To fulfill this

[1] Jeremia M. Coish and Adam J. MacNeil, "Out of the Frying Pan and into the Fire? Due Diligence Warranted for ADE in COVID-19," *Microbes and Infection* 22, no. 9 (2020): 405–416, https://doi.org/10.1016/j.micinf.2020.06.006.
[2] Murali Jagannathan and Venkata Santosh Kumar Delhi, "Paths Leading Contractual Disputes to Litigation," *Built Environment Project and Asset Management* 13, no. 6 (2023): 846–861, https://doi.org/10.1108/BEPAM-02-2023-0042.
[3] Nathania Amadea, Fatmi Utarie Nasution, and Sherly Ayuna Putri, "The Appointing of a Legal Guardian Based on Audi et Alteram Partem Principle and Only One Guardian Principle," *SIGn Jurnal Hukum* 4, no. 1 (2022): 124–139, https://doi.org/10.37276/sjh.v4i1.185.
[4] Erwin Susilo R Danang Noor Kusumo, *Hukum Perubahan Jenis Kelamin* (Bandung: Citra Aditya Bakti, 2020). 70-71.
[5] Irianto Tiranda, Fenty Puluhulawa, and Johan Jasin, "Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan," *Jambura Law Review* 1, no. 2 (2019): 120–143, https://doi.org/10.33756/jalrev.v1i2.2119.

principle, the filing of a lawsuit must be done in a court that has both absolute and relative jurisdiction.

Although the *Herzien Inlandsch Reglement* (HIR) and *Rechtreglement voor de Buitengewesten* (RBg) have addressed the issue of court jurisdiction, their provisions are limited to aspects of relative and absolute competence (Articles 133–134 HIR/Articles 159–160 RBg) without addressing the possibility of the same case being filed in multiple courts simultaneously. This situation has the potential to lead to different decisions. Unlike Indonesia, India has anticipated this through Article 10 of the Civil Procedure Code (CPC), which contains the doctrine of res sub judice, prohibiting courts from examining a case if the subject matter of the dispute and the parties involved are the same as a case currently being examined in another competent court.[6]

The current situation reveals a legal vacuum regarding the res sub judice doctrine in Indonesia, as previous studies only discussed sub judice without a procedural equivalent in civil law. The case of Jessica Wongso highlights the urgency of this regulation, where massive public pressure and media coverage shaped the opinion of guilt before a verdict was reached, thus threatening the independence of the judges.[7] Just as criminal justice needs protection from public pressure, civil justice also requires mechanisms like res sub judice to prevent duplicate cases and maintain judicial integrity.

The practice of trial by press includes forms of contempt of court in the context of sub judice, which refers to actions, statements, or publications that can influence the outcome of a trial or disrupt the course of legal proceedings.[8] [9] According to Oemar Seno Adji, this type of violation needs to be criminalized as "Crimes Against the Judiciary" and has now been accommodated in Article 281 of the new Criminal Code (KUHP), which will come into effect in 2026. This article affirms the prohibition against obstructing, influencing, or intimidating law enforcement officers in carrying out their duties.[10] Furthermore, contempt of court encompasses contempt in facie-such as disrespectful behavior or insults toward a judge within the courtroom-as well as contempt ex facie, such as disobedience to court orders, undermining the dignity of the judiciary, and violating sub judice rules.[11] [12]

Although these various studies enrich understanding of sub judice in the context of criminal law, there are still significant normative gaps regarding res sub judice in civil cases. The absence of explicit regulations allows identical civil cases to be filed and examined simultaneously in different

[6] Ganesh Makam, "Doctrines in Res Sub Judice: A Comprehensive Review of the Civil Procedure Code in India," *SSRN Electronic Journal*, no. 0 (2023): 1–7, https://doi.org/10.2139/ssrn.4484556.
[7] Simon Butt, "Indonesia's Criminal Justice System on Trial: The Jessica Wongso Case," *New Criminal Law Review* 24, no. 1 (2021): 3–58, https://doi.org/10.1525/nclr.2021.24.1.3.
[8] Endhang Boedhiarti, "Urgensi Pengaturan Contempt Of Court Di Indonesia Di Masa Yang Akan Datang (Ius Constituendum)," *Jurnal JURISTIC* 1, no. 03 (2021): 190–201, https://doi.org/10.35973/jrs.v2i02.2556.
[9] Muhammad Fadli, "Tindakan Penghinaan Yang Menghambat Proses Peradilan (Contempt Of Court) Dalam Penegakan Hukum Di Indonesia," *Jurnal Analisis Hukum* 3, no. 1 (2020): 26–40, https://doi.org/10.38043/jah.v3i1.2682.
[10] Sonora Gokma Pardede and Febby Mutiara Nelson, "Pengaruh Trial By The Press Terhadap Penegakan Hukum Pidana Di Indonesia," *LITIGASI* 24, no. 2 (2023): 165–183, https://doi.org/10.23969/litigasi.v24i2.10259.
[11] Musmuliadin, Erlyn Indarti, and Nur Rochaeti, "Contempt of Court in Renewal of Indonesian Criminal Law Based on Pancasila," *International Conference Restructuring and Transforming Law 2022* 1, no. 1 (2022): 148–158.
[12] Siti Zulaichah, "The Important of Designing Legislation on Indonesian Contempt of Court Act: Legal Practitioners Perspective," *Borobudur Law Review* 5, no. 1 (2023): 15–30, https://doi.org/10.31603/burrev.6584.

courts, potentially leading to conflicting rulings and reducing the efficiency of the judicial system. This trend is evident in case number 3/Pdt.G/2023/PN Sgi at the Sigli District Court and number 179/Pdt.G/2023/MS Lsm at the Lhokseumawe Sharia Court, where the same object of dispute was submitted to two different courts. This case underscores the urgency of explicitly formulating the doctrine of res sub judice in Indonesian civil procedure law to ensure consistency of judgments, legal certainty, and the efficiency of the judicial process.

By considering the various issues mentioned above, this research aims to fill the legal norm gap in Indonesia and address the gaps in previous literature that have not examined res sub judice. Due to the urgency of conducting further studies, this research will address two main problem formulations:

1. How does the regulation of the sub judice doctrine compare to that of the res sub judice?
2. How is the ideal conception of reforming Indonesian civil procedural law by integrating the doctrine of res sub judice?

The first problem formulation deliberately discusses two doctrines simultaneously. Although the main focus of this research is res sub judice, comparison with sub judice is important to avoid conceptual confusion because the two appear similar terminologically. The second formulation is the core novelty of the research, namely, formulating the ideal conception of res sub judice in Indonesian civil procedure law to prevent double examination of the same case.

Until now, research in Indonesia has focused more on the sub judice rule related to contempt of court and judicial independence, without discussing res judicata in the context of civil cases. This research fills that gap by providing a comparative legal analysis of the application of res sub judice in various countries, particularly India, and by offering a model for its integration into Indonesian civil procedure law. The novelty of this research lies in its attempt to construct a framework for doctrinal reform, a concept not previously explored in national legal literature.

The limitations of this research lie in the use of secondary legal materials without empirical data; thus, it has not yet assessed practical constraints such as administrative readiness, judicial discretion, and case management capacity. Further research is recommended using an empirical approach to assess the effectiveness of applying res sub judice in Indonesia.

This doctrine's integration is expected to improve procedural efficiency, prevent conflicting rulings, and strengthen judicial credibility. For the parties, it provides certainty and justice by preventing double processes, while for policymakers, the results of this research can serve as a concrete basis for procedural law reform that aligns with international best practices and the principles of simple, fast, and low-cost justice.

METHODS

The research method used in this paper is a normative legal research method with a statutory approach, a conceptual approach, and a comparative legal approach.[13] The statutory approach is used to examine the gaps and weaknesses in Indonesian civil procedure law related to the res sub

[13] Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020). 56-59.

judice doctrine, while the conceptual approach is used to explain the character of the res sub judice doctrine. Next, a comparative legal approach was taken by examining the regulation of res sub judice in the Indian legal system as well as other countries such as England, Kenya, and Canada to gain a more comprehensive understanding of its regulation. The selection of these four countries was based on strong academic reasons, namely because they all adhere to the common law tradition with well-established judicial systems and have explicit regulations and firm jurisprudential practices regarding the doctrine of res sub judice. India was chosen because it has written provisions in Section 10 of the CPC, while England represents the historical roots of this doctrine through judicial practice and precedent. Kenya and Canada were included because they both demonstrate how this doctrine is adapted in modern judicial practice, both normatively and functionally. Thus, this comparison provides a stronger academic basis for identifying the normative and practical dimensions of res sub judice that can be adopted into the Indonesian legal system. This research is qualitative and uses primary legal materials such as laws and court decisions, as well as secondary legal materials from various relevant literature, which are systematically analyzed to formulate recommendations for regulating res sub judice in Indonesian civil procedure law.

DISCUSSION

Regulation and Comparison of the *Sub Judice* and *Res Sub Judice* Doctrines

Sub judice is a legal principle that indicates the status of a case that is still being examined by the court and has not yet received a final decision.[14] In procedural law, when a case is in this status, any statements or publications from outside parties, such as the media or legislative bodies, are limited or banned if they could change the course of justice.[15] The restriction aims to uphold the principle of fair justice and ensure the independence and impartiality of judges in making objective decisions.[16] This doctrine prevents third-party intervention that could create public pressure or shape opinion against ongoing cases. In England, public statements or publications about ongoing cases can be considered contempt of court to protect the judicial process from the influence of public opinion.[17]

Historically, this doctrine was first recognized in 1742 when Lord Hardwicke divided contempt of court into three categories, one of which included actions that could influence public opinion against either party before a case was heard. He emphasized the importance of ensuring that the legal process is not misinterpreted by the public and preventing the formation of opinions before a verdict is handed down.[18] Resolutions from the British Parliament in 1963 and 1972 further strengthened this provision. The 1972 resolution broadened the scope of this doctrine and

[14] Shukriah Mohd Sheriff, "Sub Judice And Gag Order: The Recent Development In Malaysia," *IIUM Law Journal* 30, no. 2 (2022): 1–22, https://doi.org/10.31436/iiumlj.v30i2.753.
[15] Usman Quddus and Ghufran Ahmed, "Independence of Judiciary in Malaysia and Pakistan : The Way Forward," *Journal of Law & Social Studies* 5, no. 3 (2023): 525–536, https://doi.org/10.52279/jlss.05.03.525536.
[16] Surya Deva, "Threats To Hong Kong'S Autonomy From the Npc'S Standing Committee: The Role of Courts and the Basic Structure Doctrine," *Hong Kong Law Journal* 50, no. 3 (2020): 901–933, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/honkon50&section=50.
[17] Kate Tubridy, "Facebook and a Fair Trial: Caution, Challenge and Contradiction," *Law, Technology and Humans* 2, no. 1 (2020): 135–151, https://doi.org/10.5204/lthj.v2i1.1497.
[18] Mohd Sheriff, "Sub Judice And Gag Order: The Recent Development In Malaysia."

introduced specific exceptions, permitting members of parliament to critique government policies in instances that are or may be subject to trial, contingent upon reasonable conduct and the approval of the Speaker of the House.[19]

The application of the sub judice doctrine is evident in the case of Attorney-General v. Times Newspapers Ltd. (1973), where the House of Lords affirmed that trials must be free from external influence and judges should only consider legitimate evidence. This case relates to a media article about a lawsuit against the pharmaceutical company Distillers, the manufacturer of the drug Thalidomide, which caused birth defects. The court prevented the article's publication due to its perceived interference with the judicial process. This decision affirms the concept of the prejudgment test, which prohibits the media from expressing opinions that could disrupt or influence the fair administration of justice.[20]

Meanwhile, in Canada, there is the term Statutory *Sub Judice*, which is explicitly regulated, especially in cases of sexual violence. In this case, the identity of the victim is prohibited from being disclosed if there is a request for legal protection. In the case of *R v Robinson-Blackmore Printing & Publishing Co*., a journalist was sued for publishing an article stating that a murder defendant would spread AIDS in prison.[21] Although the journalist argued that he was merely exercising freedom of expression, the court still rejected that defense. The court emphasized that a violation of the *sub judice* doctrine can still occur if there is a real risk that the statement or reporting could disrupt the fair conduct of the trial—even without any direct intention to influence the judge's decision.[22]

The sub judice doctrine in England and Canada mainly protects the judicial process from outside interference. In Indonesia, on the other hand, there is an internal procedural problem: duplicate litigation that happens within the court system itself. The Indonesian judiciary has not yet developed a mechanism equivalent to sub judice to maintain internal consistency and prevent overlapping adjudications. This gap highlights the urgency of complementing external safeguards of judicial independence with internal safeguards of procedural efficiency, which can be achieved through the explicit regulation of res sub judice.

Unlike sub judice, which protects the judiciary from external influences such as the media and public opinion, res sub judice emphasizes the internal order of the judiciary by preventing double examination of the same case. This doctrine ensures that a single matter is not brought before two courts simultaneously to avoid conflicting decisions.[23] In Kenya, the principle of multiplicity of suits prohibits courts from examining similar cases for efficiency and consistency of judgments,[24] while in Uganda, the High Court *in Nyanza Garage v. Attorney-General* affirmed that filing the same dispute

[19] Quddus and Ahmed, "Independence of Judiciary in Malaysia and Pakistan : The Way Forward."
[20] Tubridy, "Facebook and a Fair Trial: Caution, Challenge and Contradiction."
[21] Rukundo Solomon, "The Subject of Sub Judice: An Analysis of the Sub Judice Rule in Uganda," *Commonwealth Law Bulletin* 45, no. 4 (2019): 660–696, https://doi.org/10.1080/03050718.2020.1742175.
[22] Raleke I Nwangeneh, "An Analysis of the Sub Judice Rule in Nigerian Legal Jurisprudence," *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 15, no. 1 (2022): 84–91, https://www.ajol.info/index.php/naujilj/article/view/269104.
[23] Umar Farooq Tipu, "Doctrine of Res Sub Judice and Res Judicata in CPC, 1908," *Available at SSRN 3714151* 0, no. 0 (2020): 1–33, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3714151.
[24] Nwangeneh, "An Analysis of the Sub Judice Rule in Nigerian Legal Jurisprudence."

in two different cases undermines the effectiveness and orderliness of the judicial process.[25] The two doctrines are complementary: sub judice protects impartiality from external pressure, while res sub judice maintains procedural discipline between courts. In the case of *Tethyan Copper Company (TCC) v. Government of Pakistan*, the Pakistani government asked ICSID and ICC to stop two arbitration proceedings because of res sub judice. However, ICSID went ahead and ruled that Pakistan had broken international agreements.[26]

In Indian civil procedure law, the doctrine of res sub judice is governed by Section 10 of the CPC (1908), which prohibits courts from hearing a case if the subject matter of the dispute is directly and substantially the same as a case previously filed between the same parties.[27] However, matters being examined in foreign courts do not prevent Indian courts from examining similar cases. This doctrine is derived from the Roman principles of interest *reipublicae ut sit finis litium* (it is in the public interest to put an end to litigation),[28] *nemo debet bis vexari pro una et eadem causa* (no one should be vexed twice for the same cause).[29] [30]

Furthermore, it is important to distinguish between *res sub judice* and *res judicata*, the difference of which lies in the status of case resolution. *Res sub judice* pertains to cases that are still undergoing examination, while res judicata signifies cases that have reached a final decision and gained legal force. In the case of *Nilvaru v. Nilvaru*, the Bombay High Court emphasized that a decision that can still be subject to legal remedies, such as an appeal, does not yet have binding force as *res judicata* because it has not yet become final and binding.[31] Unlike res judicata, which applies to cases that have become final and binding, res sub judice applies to cases that are still under examination. In Nilvaru v. Nilvaru, the Bombay High Court affirmed that a judgment that is still subject to appeal does not qualify as res judicata.[32]

From a comparison of various countries, it is evident that the Indian model in Section 10 of the CPC provides a clear legal basis for staying the examination of identical cases, thereby increasing efficiency and preventing conflicting judgments. The principles of efficiency and case management applied in Kenya and Uganda are also in line with the Indonesian judiciary's principle of being "simple, fast, and low-cost." Therefore, applying the res sub judice principle will strengthen judicial integrity

[25] Jacqueline M. Klopp, "Pilfering the Public: The Problem of Land Grabbing in Contemporary Kenya," *Africa Today* 47, no. 1 (2000): 7–26, https://doi.org/10.2979/AFT.2000.47.1.6.
[26] Barkat Ali and Hafiz Aziz-ur-Rehman, "Public Interest Litigation: Economic Implications (A Critical Appraisal of Reko DIQ Case)," *Research Journal of Social Sciences and Economics Review (RJSSER)* 1, no. 4 (2020): 63–71, https://doi.org/10.36902/rjsser-vol1-iss4-2020(63-71).
[27] Harshad Pathak and Pratyush Panjwani, "Parallel Proceedings in Indian Arbitration Law: Invoking Lis Pendens," *Journal of International Arbitration* 34, no. 3 (2017): 1–39, https://doi.org/10.2139/ssrn.4155486.
[28] Azhar Jahangir Khan, "Res Judicata and Its Applicability in Various Proceedings in India," *SSRN Electronic Journal*, (2008): 6–11, https://doi.org/https://dx.doi.org/10.2139/ssrn.1102910.
[29] Song Lu, "The EOS Engineering Corporation Case and the Nemo Debet Bis Vexari Pro Una et Eadem Causa Principle in China," *Chinese Journal of International Law* 7, no. 1 (2008): 143–158, https://doi.org/10.1093/chinesejil/jmn007.
[30] Pathak and Panjwani, "Parallel Proceedings in Indian Arbitration Law: Invoking Lis Pendens."
[31] Shivam Goel, "'Rome Has Spoken, the Cause Has Ended; Rome Spoke through Her Laws.,'" *International Journal of Legal Developments and Allied Issues* 5, no. 1 (2019): 18–25, https://doi.org/https://dx.doi.org/10.2139/ssrn.3307814.
[32] Divya Upadhyay, "Unleashing India's Inventive Capital: Intellectual Property as Loan Collateral," *Law and Financial Markets Review* 17, no. 3 (2023): 225–237, https://doi.org/https://doi.org/10.1080/17521440.2024.2372099.

and administrative consistency, although it needs to be adjusted to the HIR/RBg, which does not yet regulate the filing of duplicate cases.

The main difference between sub judice and res sub judice lies in their focus: sub judice protects the independence and dignity of the court from external influence, while res sub judice is administrative-procedural to prevent double examination of the same case for efficiency and legal certainty. The following table summarizes the key elements of res sub judice in the Indian legal system—including its legal basis, purpose, scope, and differences from res judicata—demonstrating the doctrine's direct role in the case examination process.

Table. 1

Key Aspects of the *Res Sub Judice* Doctrine

Aspect	Brief Explanation
Legal Basis	Provided under Section 10 of the Indian CPC - prohibits the trial of a matter when an identical case has already been filed earlier.
Purpose	To prevent two different courts from adjudicating the same matter, thereby avoiding conflicting judgments and ensuring a judiciary that is simple, prompt, and low-cost.
Scope	This doctrine applies when there are two lawsuits concerning the same matter-whether in terms of the object, the parties, or the relief sought.
Requirements	1. There are two lawsuits, with the first one filed earlier and still under adjudication; 2. The subject matter is directly and substantially the same (concerning the core of the dispute); 3. The parties involved in both cases are the same; 4. Both cases involve the same legal status or rights; 5. The court adjudicating the first case has jurisdiction (competence) over the matter.
Distinction from *Res Judicata*	1. *Res Sub Judice* (Section 10 CPC) applies to cases still pending (not yet decided). The second lawsuit is not dismissed, but stayed until the first case concludes. 2. *Res Judicata* (Section 11 CPC) applies to cases already decided with final and binding effect. In such instances, the same case cannot be refiled, as it is deemed concluded.

Source: Author's elaboration based on Subham Agrawal, "Res Sub Judice: Object, Scope and Application," *Legal Bites*, 2023. *https://www.legalbites.in/res-sub-judice*.

Based on the table above, the principle of sub judice, as stipulated in Section 10 of the Indian CPC, prohibits a court from examining a second case if an identical case—in terms of the subject matter, parties, or claims—has already been filed and is being examined in another court. This doctrine aims to prevent conflicting decisions and support the principle of swift, simple, and low-cost

justice. Unlike res judicata, which applies to cases that have become final and binding, res sub judice is applied to cases that are still under examination.

Formulation of *Res Sub Judice* Regulation in Indonesian Civil Procedure Law: Addressing Normative Gaps and Preventing Duplicate Lawsuits

1. Principles of Openness and Efficiency in the Judiciary

In the modern era, the demand for open trials is becoming increasingly strong. The public now demands that every trial be conducted transparently and openly to the public. This openness serves as a means to provide the public access to observe the court proceedings and is also an important part of the guarantee of the right to a fair trial as recognized in both criminal and civil procedural law.[33] However, in addition to transparency, trials must also be conducted "quickly, simply, and at low cost".[34] This is not just idealism but a principle regulated in Article 2, paragraph (4), of Law No. 2009.[35] The explanation of the article emphasizes that "simple" means the process of case resolution is carried out efficiently and effectively, while "affordable cost" means the cost is within the reach of the community.[36]

This principle shows that justice must be realized in the law's substance, implementation, and timing. Delays, overlaps, or duplication of cases will undermine the very meaning of justice. Therefore, an efficient, open, and trustworthy judicial system is an important foundation for the reform of civil procedure law.

2. Jurisdictional Competence as the Basis for Judicial Proceedings

In order for the administration of justice to be carried out quickly, simply, and at a low cost, the selection of filing lawsuits through absolute and relative jurisdiction becomes important. Absolute jurisdiction relates to the type of case based on the jurisdictional scope of each court (general, religious, military, or administrative courts),[37] while relative jurisdiction concerns the area or place of filing a lawsuit based on legal jurisdiction.[38] The relationship between absolute and relative competence and the principle of swift, simple, and low-cost justice lies in the efficiency and accuracy of case handling. Absolute competence ensures that

[33] Steluța Ionescu, "Public Character Of The Civil Trial – Between Principle Symbolism And The Need For Justice Efficiency," *Valahia University Law Study* 39, no. 1 (2022): 41–50, https://doi.org/10.53373/vuls.2022.39.1.010.
[34] Aksan Akbar, La Ode Awal Sakti, and Faisal Herisetiawan Jafar, "Penerapan Restorative Justice Dalam Perkara Korupsi Sebagai Wujud Peradilan Sederhana, Cepat, Dan Biaya Ringan," *Jurnal Ius Constituendum* 8, no. 2 (2023): 239–258, https://doi.org/10.26623/jic.v8i2.6822.
[35] Syprianus Aristeus, "Eksekusi Ideal Perkara Perdata Berdasarkan Asas Keadilan Korelasinya Dalam Upaya Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan," *Jurnal Penelitian Hukum De Jure* 20, no. 3 (2020): 379–390, https://doi.org/10.30641/dejure.2020.v20.379-390.
[36] Nurul Elmiyah and Suparjo Sujadi, "Upaya-Upaya Hukum Terhadap Penetapan," *Jurnal Hukum & Pembangunan* 35, no. 3 (2017): 326–350, https://doi.org/10.21143/jhp.vol35.no3.1520.
[37] Muhamad Raziv Barokah and Anna Erliyana, "Pergeseran Kompetensi Absolut Dari Peradilan Umum Ke Peradilan Tata Usaha Negara: Gugatan Perbuatan Melawan Hukum Oleh Penguasa (Onrechtmatige Overheidsdaad)," *Jurnal Hukum & Pembangunan* 51, no. 4 (2021): 824–848.
[38] Zaeni Dahlan and Ian Aji Hermawan, "Tinjauan Yuridis Eksepsi Kompetensi Relatif Dalam Perkara Perdata," *Academia: Jurnal Ilmu Sosial Dan Humaniora* 2, no. 1 (2022): 30–45, https://doi.org/10.54622/academia.v2i1.30.

cases are examined by judges who are authorized and expert in their field, preventing wasted time and guaranteeing complete and high-quality decisions. Meanwhile, relative competence facilitates parties' access to geographically competent courts, saves costs and time, prevents jurisdictional conflicts between courts, and improves the effectiveness of judicial administration because cases are handled by the most appropriate institution in terms of region and jurisdiction.

In relation to that, an exception to jurisdiction can be raised in two forms: "absolute and relative." In the case of an absolute competence exception, the judge can even declare themselves incompetent ex officio without a request from the defendant, as stipulated in Article 134 HIR and Article 160 RBg.[39] This provision clarifies that absolute competence does not depend on the objections of the parties but must be enforced based on the applicable legal provisions. Absolute competence also applies when the case should fall under the jurisdiction of institutions outside the judiciary, such as arbitration institutions, so the judge is obliged to reject the examination.[40]

The relative competence exception refers to an objection to the jurisdiction of a court based on territory. Generally, the Indonesian legal system adheres to the principle of actor sequitur forum rei, which means that a lawsuit is filed in the place of the defendant's residence.[41] However, there are certain exceptions, such as for disputes involving immovable property, which are subject to the principle of forum *rei sitae*—where the lawsuit is filed in the court where the object is located.[42] In certain cases, such as labor disputes, it is also possible to file a lawsuit at the domicile of the plaintiff (*forum actoris*).[43]

A comparison of Article 118 of the HIR and Article 142 of the RBg reveals differences in the application of the *forum rei sitae* principle. The HIR requires that the defendant's domicile be unknown before the lawsuit is filed at the location of the disputed object, while the RBg is more flexible without this requirement. A court that was initially relatively incompetent can still examine a case if the parties agree, but objections to relative competence must be raised before the merits of the case; otherwise, the right to raise an exception is forfeited. Meanwhile, an exception of absolute authority can be raised at any time, as regulated in Articles 159–160 RBg and Article 134 HIR. If declared incompetent, the case can be resubmitted to the competent court.

---

[39] Yahya Harahap, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2019). 473,

[40] Neni Vesna Madjid and Afrinal Afrinal, "Hak Ahli Waris Pekerja Meninggal Dunia Dalam Hukum Ketenagakerjaan Di Indonesia (Analisis Putusan PHI Pada PN Surabaya Nomor 74/G/2014/PHI.SBY Jo. Putusan MA RI No. 225 K/PDT.SUS PHI/2015)," *UNES Law Review* 4, no. 2 (2021): 144–174, https://doi.org/10.31933/unesrev.v4i2.223.

[41] Sujayadi Sujayadi, Tata Wijayanta, and Herliana Herliana, "Actor Sequitur Forum Rei: A Theoritical Study," *Jurnal Bina Mulia Hukum* 7, no. 2 (2023): 187–201, https://doi.org/10.23920/jbmh.v7i2.896.

[42] Tamás Szabados, "In Search of the Holy Grail of the Conflict of Laws of Cultural Property: Recent Trends in European Private International Law Codifications," *International Journal of Cultural Property* 27, no. 3 (2020): 323–347, https://doi.org/10.1017/S0940739120000223.

[43] Sujayadi Sujayadi, Tata Wijayanta, and Herliana Herliana, "Regulating Court Jurisdiction to Protect Weaker Parties: An Overview of the Indonesian Civil Justice System," *Yuridika* 38, no. 2 (2023): 305–322, https://doi.org/10.20473/ydk.v38i2.43835.

3. Normative Vacuum: Between Jurisdictional Competence and Procedural Duplication

A fundamental weakness in Indonesian civil procedure law lies in the fact that the HIR and RBg only regulate the authority to adjudicate (competence) but do not prohibit the duplication of case examinations. This means our legal system only determines "which court has jurisdiction," but it doesn't guarantee that "only one court will hear the same case at a time."

This is where the doctrine of res sub judice becomes important. Unlike the absolute and relative competence provisions that determine which court has jurisdiction, res sub judice serves an administrative-procedural function to prevent two lawsuits with the same subject matter and parties from being examined simultaneously in different courts. Article 10 of the Indian CPC explicitly prohibits this.[44] If jurisdictional competence answers the question "Where is the case being examined?", then res sub judice answers the question "How many times can the same case be examined?", simultaneously filling a normative gap and preventing conflicts of authority and contradictory decisions.

4. Interlocutory Decision on Lack of Jurisdiction

In civil procedure law, a judge can issue three types of decisions. First, a declaratory decision that affirms an existing legal right or status, such as a determination of ownership.[45] Second, a constitutive decision that creates, modifies, or extinguishes a legal situation, for example, the cancelation of an agreement or a divorce.[46] Third, a condemnatory decision that orders specific actions, such as debt payment or the surrender of goods, and is enforceable if not carried out voluntarily.[47]

In addition, there is also an "interim decision" in civil cases, which is a temporary ruling that does not address the main issue but is necessary to support the smooth conduct of the trial. Based on judicial practice, interim decisions are classified into four forms: (1) preparatory decisions to prepare for the main examination of the case; (2) interlocutory decisions containing preliminary orders from the judge; (3) incidental decisions issued due to disturbances or special events during the trial process;[48] and (4) provisional decisions, which

[44] Aishwarya Agrawa, "Doctrine of Res Sub Judice: Section 10 CPC," LawBhoomi, 2023, https://lawbhoomi.com/doctrine-of-res-sub-judice-section-10-cpc/.
[45] Anna Triningsih, Achmad Edi Subiyanto, and Nurhayani Nurhayani, "Kesadaran Berkonstitusi Bagi Penegak Hukum Terhadap Putusan Mahkamah Konstitusi Sebagai Upaya Menjaga Kewibawaan Peradilan," *Jurnal Konstitusi* 18, no. 4 (2022): 989–917, https://doi.org/10.31078/jk1848.
[46] Fadly Ikhsan Pradana, "Putusan Mahkamah Konstitusi Yang Tidak Dilaksanakan Dalam Pengujian Undang-Undang Ditinjau Dari Asas Erga Omnes," *Indonesian State Law Review (ISLRev)* 3, no. 2 (2021): 77–88, https://doi.org/10.15294/islrev.v3i2.45660.
[47] Finallisa Finallisa, Widhi Handoko, and Mujiono Hafidh Prasetyo, "Pelaksanaan Putusan Yang Bersifat Condemnatoir Dalam Perkara Pembagian Harta Bersama (Studi Kasus Di Pengadilan Agama Kudus)," *Notarius* 13, no. 1 (2020): 355–371, https://doi.org/10.14710/nts.v13i1.30468.
[48] Erick Sambuari Lie, Muhamad H Soepeno, and Adi T Koesumo, "Implikasi Hukum Pihak Yang Tidak Melaksanakan Putusan Pengadilan Dalam Perkara Perdata," *Lex Privatum* XI, no. 3 (2023): 1–11, https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/46997.

are temporary decisions aimed at protecting the temporary rights of one party until the final decision is rendered.[49]

A judge who declares themself incompetent to hear a case can refer to Supreme Court Circular Number 1 of 2022. This SEMA stipulates that if a first-instance court decision declaring a lack of jurisdiction is appealed, and the High Court determines that the court actually does have jurisdiction, then the High Court can issue an interlocutory decision affirming that the District Court has jurisdiction to examine and decide the case. This includes both relative and absolute competence, ordering the court to continue examining the main case while postponing the determination of court costs until the final decision of the High Court is issued.

Through this mechanism, it is evident that although the decision on lack of authority has not yet touched the merits of the case, "SEMA considers it a final decision" that can be appealed. However, interestingly, if in the appeal process the High Court states that the first-instance court should have jurisdiction, then the District Court is only ordered to conduct an examination of the main case "without the authority to decide." The results of the examination are then "sent back to the High Court," and it is the High Court that will issue the "final decision." Thus, the role of the first-instance judge in this context is purely administrative and technical, because "the authority to render the final decision lies with the High Court."

5. The Sigli–Lhokseumawe Case: A Reflection of the Legal Vacuum in Res Sub Judice

A real example of the urgency of regulating the principle of res sub judice can be seen in Case Number 3/Pdt.G/2023/PN Sgi at the Sigli District Court and Case Number 179/Pdt.G/2023/MS Lhokseumawe at the Lhokseumawe Sharia Court.[50] These two matters show that the same object of dispute is being filed simultaneously in two different judicial environments. From a procedural law perspective, this situation creates the potential for conflicting judgments and raises legal uncertainty about which judgment is binding.

The lack of clarity in the norms governing the prohibition of double jeopardy leaves judges in each court without a legal basis to reject a lawsuit, even if the parties and the subject matter are identical. As a result, there is a risk of duplication of authority, waste of judicial resources, and damage to the principle of legal certainty. The judge should have dismissed one of the lawsuits because there was already a similar case in another court. However, in the absence of clear legal justification concerning res sub judice, such actions may be deemed as exceeding authority. Thus, the Sigli–Lhokseumawe case serves as an empirical reflection that the absence of direct regulation of the sub judice rule directly threatens the integrity of the judicial system and public trust in judicial institutions.

[49] Alboin Pasaribu and Intan Permata Putri, "Prospek Penjatuhan Putusan Provisi Dalam Perkara Pengujian Undang-Undang (Prospect for Granting Provisional Decisions in Judicial Review)," *SSRN Electronic Journal* 18, no. 1 (2021): 44–65, https://doi.org/10.2139/ssrn.3882393.

[50] Mahkamah Agung Republik Indonesia, "Direktori Putusan," accessed November 26, 2024, https://putusan3.mahkamahagung.go.id/peraturan/download_file/11eace75c6c58890bdbb313935333032/pdf/11eace75c6c582d08d84313935333032.html.

When two different courts file a lawsuit, both absolutely and relatively, the judge must determine that one of them lacks jurisdiction. Because there are no rules governing the filing of identical cases in multiple courts, the doctrine of res sub judice needs to be adopted in Indonesian civil procedure law. In this instance, the judge must declare the lawsuit inadmissible (*niet ontvankelijk verklaard*) even if one of the courts possesses jurisdiction to adjudicate it. This approach reflects fairness and prevents forum shopping, which is when a plaintiff intentionally files the same case in different courts to seek a favorable ruling. This practice burdens the judiciary and could potentially lead to conflicting rulings. The rejection of the decision does not preclude the plaintiff from refiling the case after the dispute is resolved, without violating the principle of *ne bis in idem*.

Integration of the Res Sub Judice Doctrine in Indonesian Civil Procedure Law

To strengthen this doctrine, it is necessary to stipulate the obligation for each plaintiff to attach a statement that the lawsuit filed has never been and is not currently being examined by another court. This provision can be established by the Supreme Court through a circular letter or Supreme Court regulation as a requirement for registering cases, similar to the obligation of authors of scientific articles to declare that their manuscripts have not been submitted to other journals. Therefore, it is important to formulate these normative provisions in the upcoming civil procedure law reform:

(1) In the event that a lawsuit is filed in two or more different courts, whether within the same judicial environment or different ones, concerning the same object and parties, the judge is obliged to declare the lawsuit inadmissible (*niet ontvankelijk verklaard*), even if the court examining it is the forum that is relatively or absolutely competent.
(2) A lawsuit filed in more than one court as referred to in paragraph (1) is considered an abuse of the judicial process and must be penalized by paying court fees.
(3) Each lawsuit submission must be accompanied by a statement declaring that the case in question has never been and is not currently being examined by another court.
(4) The Supreme Court may issue implementation provisions in the form of Circular Letters or Supreme Court Regulations to regulate the technical implementation of these provisions.

With that formulation, Indonesian civil procedural law will be better able to systematically prevent the occurrence of double lawsuits. The explicit formulation of the *res sub judice* doctrine will encourage orderly proceedings and promote the resolution of cases quickly, simply, and at low cost.

6. Synthesis: Efficiency, Legal Certainty, and Public Trust

The formulation of the regulation on res sub judice in Indonesian civil procedure law is an important step in building an efficient, certain, and integrated judicial system. This doctrine serves to expedite the resolution of cases by preventing unnecessary double examination,

ensuring legal certainty by guaranteeing that the same dispute is only decided once, and increasing public trust by demonstrating the consistency and procedural discipline of the judiciary.

Furthermore, the sub judice rule reflects the rationalization of modern law, which is oriented toward procedural order and institutional effectiveness. Through its regulations, the Indonesian civil procedure law system can move toward a judiciary that is not only formalistic but also substantive in ensuring justice. This arrangement is a manifestation of the one dispute, one judgment principle, which means that each dispute only results in one valid, consistent, and legally binding decision.

Thus, the application of the res sub judice doctrine is not merely a technical improvement but rather part of the structural transformation of the Indonesian civil procedure law system toward a responsive, efficient, and just judicial order. This regulation emphasizes that simple, rapid, and low-cost justice can only be realized if procedural law explicitly prevents case duplication and guarantees the unity of decisions for legal certainty and justice for all seekers of justice.

CLOSING

The sub judice and res judicata doctrines are two important principles in procedural law that have different but complementary focuses on protection. Sub judice serves to protect the judicial process from external influences-such as media pressure and public opinion-to safeguard the independence of judges and the defendant's right to a fair trial. Conversely, res sub judice, as regulated in Section 10 of the Indian CPC, aims to maintain efficiency and legal certainty by prohibiting courts from examining identical cases if they are already being examined by another competent court. If res judicata applies to a case that has already been decided, then res sub judice applies to a case that is still pending. These two doctrines essentially serve to maintain justice as well as procedural order in the judicial process.

To address the legal vacuum in the Indonesian civil procedure law system, this research recommends a normative reformulation that explicitly incorporates the doctrine of res sub judice. Courts should be required to declare a lawsuit inadmissible if there is an identical case currently being examined by another court, regardless of its absolute or relative jurisdiction. Additionally, each plaintiff should be required to declare that no court is examining or has examined the case. This regulation will prevent forum shopping, avoid conflicting decisions, and support the principle of simple, swift, and low-cost justice. Thus, the explicit regulation of res sub judice will firmly strengthen judicial order and improve the efficiency of the Indonesian civil procedure system.

REFERENCES

Agrawa, Aishwarya. "Doctrine of Res Sub Judice: Section 10 CPC." LawBhoomi, 2023. https://lawbhoomi.com/doctrine-of-res-sub-judice-section-10-cpc/.

Akbar, Aksan, La Ode Awal Sakti, and Faisal Herisetiawan Jafar. "Penerapan Restorative Justice Dalam Perkara Korupsi Sebagai Wujud Peradilan Sederhana, Cepat, Dan Biaya Ringan." *Jurnal Ius Constituendum* 8, no. 2 (2023): 239–258. https://doi.org/10.26623/jic.v8i2.6822.

Amadea, Nathania, Fatmi Utarie Nasution, and Sherly Ayuna Putri. "The Appointing of a Legal Guardian Based on Audi et Alteram Partem Principle and Only One Guardian Principle." *SIGn Jurnal Hukum* 4, no. 1 (2022): 124–139. https://doi.org/10.37276/sjh.v4i1.185.

Aristeus, Syprianus. "Eksekusi Ideal Perkara Perdata Berdasarkan Asas Keadilan Korelasinya Dalam Upaya Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Ringan." *Jurnal Penelitian Hukum De Jure* 20, no. 3 (2020): 379–390. https://doi.org/10.30641/dejure.2020.v20.379-390.

Barkat Ali, and Hafiz Aziz-ur-Rehman. "Public Interest Litigation: Economic Implications (A Critical Appraisal of Reko DIQ Case)." *Research Journal of Social Sciences and Economics Review (RJSSER)* 1, no. 4 (2020): 63–71. https://doi.org/10.36902/rjsser-vol1-iss4-2020(63-71).

Barokah, Muhamad Raziv, and Anna Erliyana. "Pergeseran Kompetensi Absolut Dari Peradilan Umum Ke Peradilan Tata Usaha Negara: Gugatan Perbuatan Melawan Hukum Oleh Penguasa (Onrechtmatige Overheidsdaad)." *Jurnal Hukum & Pembangunan* 51, no. 4 (2021): 824–848.

Boedhiarti, Endhang. "Urgensi Pengaturan Contempt Of Court di Indonesia Di Masa Yang Akan Datang (Ius Constituendum)." *Jurnal JURISTIC* 1, no. 03 (2021): 190–201. https://doi.org/10.35973/jrs.v2i02.2556.

Butt, Simon. "Indonesia's Criminal Justice System on Trial: The Jessica Wongso Case." *New Criminal Law Review* 24, no. 1 (2021): 3–58. https://doi.org/10.1525/nclr.2021.24.1.3.

Coish, Jeremia M., and Adam J. MacNeil. "Out of the Frying Pan and into the Fire? Due Diligence Warranted for ADE in COVID-19." *Microbes and Infection* 22, no. 9 (2020): 405–416. https://doi.org/10.1016/j.micinf.2020.06.006.

Deva, Surya. "Threats To Hong Kong'S Autonomy From the Npc'S Standing Committee: The Role of Courts and the Basic Structure Doctrine." *Hong Kong Law Journal* 50, no. 3 (2020): 901–933. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/honkon50&section=50.

Elmiyah, Nurul, and Suparjo Sujadi. "Upaya-Upaya Hukum Terhadap Penetapan." *Jurnal Hukum & Pembangunan* 35, no. 3 (2017): 326–350. https://doi.org/10.21143/jhp.vol35.no3.1520.

Fadli, Muhammad. "Tindakan Penghinaan Yang Menghambat Proses Peradilan (Contempt Of Court) Dalam Penegakan Hukum Di Indonesia." *Jurnal Analisis Hukum* 3, no. 1 (2020): 26–40. https://doi.org/10.38043/jah.v3i1.2682.

Finallisa, Finallisa, Widhi Handoko, and Mujiono Hafidh Prasetyo. "Pelaksanaan Putusan Yang Bersifat Condemnatoir Dalam Perkara Pembagian Harta Bersama (Studi Kasus Di Pengadilan Agama Kudus)." *Notarius* 13, no. 1 (2020): 355–371. https://doi.org/10.14710/nts.v13i1.30468.

Goel, Shivam. "'Rome Has Spoken, the Cause Has Ended; Rome Spoke through Her Laws.'" *International Journal of Legal Developments and Allied Issues* 5, no. 1 (2019): 18–25.

https://doi.org/https://dx.doi.org/10.2139/ssrn.3307814.

Harahap, Yahya. *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan*. Jakarta: Sinar Grafika, 2019.

Indonesia, Mahkamah Agung Republik. "Direktori Putusan." Accessed November 26, 2024. https://putusan3.mahkamahagung.go.id/peraturan/download_file/11eace75c6c58890bdbb313935333032/pdf/11eace75c6c582d08d84313935333032.html.

Ionescu, Steluța. "Public Character Of The Civil Trial – Between Principle Symbolism And The Need For Justice Efficiency." *Valahia University Law Study* 39, no. 1 (2022): 41–50. https://doi.org/10.53373/vuls.2022.39.1.010.

Jagannathan, Murali, and Venkata Santosh Kumar Delhi. "Paths Leading Contractual Disputes to Litigation." *Built Environment Project and Asset Management* 13, no. 6 (2023): 846–861. https://doi.org/10.1108/BEPAM-02-2023-0042.

Khan, Azhar Jahangir. "Res Judicata and Its Applicability in Various Proceedings in India." *SSRN Electronic Journal*, no. (2008): 6–11. https://doi.org/https://dx.doi.org/10.2139/ssrn.1102910.

Klopp, Jacqueline M. "Pilfering the Public: The Problem of Land Grabbing in Contemporary Kenya." *Africa Today* 47, no. 1 (2000): 7–26. https://doi.org/10.2979/AFT.2000.47.1.6.

Lie, Erick Sambuari, Muhamad H Soepeno, and Adi T Koesumo. "Implikasi Hukum Pihak Yang Tidak Melaksanakan Putusan Pengadilan Dalam Perkara Perdata." *Lex Privatum* XI, no. 3 (2023): 1–11. https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/46997.

Lu, Song. "The EOS Engineering Corporation Case and the Nemo Debet Bis Vexari Pro Una et Eadem Causa Principle in China." *Chinese Journal of International Law* 7, no. 1 (2008): 143–158. https://doi.org/10.1093/chinesejil/jmn007.

Madjid, Neni Vesna, and Afrinal Afrinal. "Hak Ahli Waris Pekerja Meninggal Dunia Dalam Hukum Ketenagakerjaan Di Indonesia (Analisis Putusan PHI Pada PN Surabaya Nomor 74/G/2014/PHI.SBY Jo. Putusan MA RI No. 225 K/PDT.SUS PHI/2015)." *UNES Law Review* 4, no. 2 (2021): 144–174. https://doi.org/10.31933/unesrev.v4i2.223.

Makam, Ganesh. "Doctrines in Res Sub Judice: A Comprehensive Review of the Civil Procedure Code in India." *SSRN Electronic Journal*, (2023): 1–7. https://doi.org/10.2139/ssrn.4484556.

Mohd Sheriff, Shukriah. "Sub Judice And Gag Order: The Recent Development In Malaysia." *IIUM Law Journal* 30, no. 2 (2022): 1–22. https://doi.org/10.31436/iiumlj.v30i2.753.

Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.

Musmuliadin, Erlyn Indarti, and Nur Rochaeti. "Contempt of Court in Renewal of Indonesian Criminal Law Based on Pancasila." *International Conference Restructuring and Transforming Law 2022* 1, no. 1 (2022): 148–158.

Nwangeneh, Raleke I. "An Analysis of the Sub Judice Rule in Nigerian Legal Jurisprudence." *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 15, no. 1 (2022): 84–91. https://www.ajol.info/index.php/naujilj/article/view/269104.

Pardede, Sonora Gokma, and Febby Mutiara Nelson. "Pengaruh Trial By The Press Terhadap Penegakan Hukum Pidana Di Indonesia." *LITIGASI* 24, no. 2 (2023): 165–183.

https://doi.org/10.23969/litigasi.v24i2.10259.

Pasaribu, Alboin, and Intan Permata Putri. "Prospek Penjatuhan Putusan Provisi Dalam Perkara Pengujian Undang-Undang (Prospect for Granting Provisional Decisions in Judicial Review)." *SSRN Electronic Journal* 18, no. 1 (2021): 44–65. https://doi.org/10.2139/ssrn.3882393.

Pathak, Harshad, and Pratyush Panjwani. "Parallel Proceedings in Indian Arbitration Law: Invoking Lis Pendens." *Journal of International Arbitration* 34, no. 3 (2017): 1–39. https://doi.org/10.2139/ssrn.4155486.

Pradana, Fadly Ikhsan. "Putusan Mahkamah Konstitusi Yang Tidak Dilaksanakan Dalam Pengujian Undang-Undang Ditinjau Dari Asas Erga Omnes." *Indonesian State Law Review (ISLRev)* 3, no. 2 (2021): 77–88. https://doi.org/10.15294/islrev.v3i2.45660.

Quddus, Usman, and Ghufran Ahmed. "Independence of Judiciary in Malaysia and Pakistan : The Way Forward." *Journal of Law & Social Studies* 5, no. 3 (2023): 525–536. https://doi.org/10.52279/jlss.05.03.525536.

R Danang Noor Kusumo, Erwin Susilo. *Hukum Perubahan Jenis Kelamin*. Bandung: Citra Aditya Bakti, 2020.

Solomon, Rukundo. "The Subject of Sub Judice: An Analysis of the Sub Judice Rule in Uganda." *Commonwealth Law Bulletin* 45, no. 4 (2019): 660–696. https://doi.org/10.1080/03050718.2020.1742175.

Sujayadi, Sujayadi, Tata Wijayanta, and Herliana Herliana. "Actor Sequitur Forum Rei: A Theoritical Study." *Jurnal Bina Mulia Hukum* 7, no. 2 (2023): 187–201. https://doi.org/10.23920/jbmh.v7i2.896.

———. "Regulating Court Jurisdiction to Protect Weaker Parties: An Overview of the Indonesian Civil Justice System." *Yuridika* 38, no. 2 (2023): 305–322. https://doi.org/10.20473/ydk.v38i2.43835.

Szabados, Tamás. "In Search of the Holy Grail of the Conflict of Laws of Cultural Property: Recent Trends in European Private International Law Codifications." *International Journal of Cultural Property* 27, no. 3 (2020): 323–347. https://doi.org/10.1017/S0940739120000223.

Tipu, Umar Farooq. "Doctrine of Res Sub Judice and Res Judicata in CPC, 1908." *Available at SSRN 3714151*, (2020): 1–33. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3714151.

Tiranda, Irianto, Fenty Puluhulawa, and Johan Jasin. "Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan." *Jambura Law Review* 1, no. 2 (2019): 120–143. https://doi.org/10.33756/jalrev.v1i2.2119.

Triningsih, Anna, Achmad Edi Subiyanto, and Nurhayani Nurhayani. "Kesadaran Berkonstitusi Bagi Penegak Hukum Terhadap Putusan Mahkamah Konstitusi Sebagai Upaya Menjaga Kewibawaan Peradilan." *Jurnal Konstitusi* 18, no. 4 (2022): 989–917. https://doi.org/10.31078/jk1848.

Tubridy, Kate. "Facebook and a Fair Trial: Caution, Challenge and Contradiction." *Law, Technology and Humans* 2, no. 1 (2020): 135–151. https://doi.org/10.5204/lthj.v2i1.1497.

Upadhyay, Divya. "Unleashing India's Inventive Capital: Intellectual Property as Loan Collateral." *Law and Financial Markets Review* 17, no. 3 (2023): 225–237. https://doi.org/https://doi.org/10.1080/17521440.2024.2372099.

Zaeni Dahlan, and Ian Aji Hermawan. "Tinjauan Yuridis Eksepsi Kompetensi Relatif Dalam Perkara Perdata." *Academia: Jurnal Ilmu Sosial Dan Humaniora* 2, no. 1 (2022): 30–45. https://doi.org/10.54622/academia.v2i1.30.

Zulaichah, Siti. "The Important of Designing Legislation on Indonesian Contempt of Court Act: Legal Practitioners Perspective." *Borobudur Law Review* 5, no. 1 (2023): 15–30. https://doi.org/10.31603/burrev.6584.