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AN ANALYSIS OF OBSCUUR LIBEL AS A MANIFESTATION OF THE TENSION BETWEEN CIVIL PROCEDURAL FORMALISM AND ACCESS TO JUSTICE

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ABSTRACT

The application of obscuur libel in civil procedural law practice is frequently used as a basis for declaring claims inadmissible without examining the merits of the case. This condition raises legal concerns because civil procedural law is intended to function as a mechanism for the protection of rights and access to justice within the framework of the rule of law. This study aims to analyze the normative construction of obscuur libel in Indonesian civil procedural law from the perspective of procedural formalism and the principle of the rule of law, as well as to examine the implications of its formalistic application for access to justice and legal protection for justice seekers. This research employs normative legal research using statutory and conceptual approaches, analyzed through a descriptive-qualitative method. The findings indicate that obscuur libel has developed as a doctrinal concept shaped by judicial practice and remains strongly influenced by procedural formalism. Furthermore, the disproportionate application of obscuur libel undermines access to justice, procedural fairness, and legal protection for justice seekers in civil proceedings.

Keywords: *Obscuur Libel, Civil Prodecural Law, Rule of Law*

ABSTRAK

Penerapan obscuur libel dalam praktik hukum acara perdata kerap digunakan sebagai dasar untuk menyatakan gugatan tidak dapat diterima tanpa pemeriksaan pokok perkara. Kondisi ini menimbulkan persoalan yuridis karena hukum acara perdata seharusnya berfungsi sebagai sarana perlindungan hak dan akses terhadap keadilan dalam kerangka negara hukum. Penelitian ini bertujuan untuk menganalisis konstruksi normatif obscuur libel dalam hukum acara perdata Indonesia ditinjau dari asas formalitas beracara dan prinsip negara hukum, serta mengkaji implikasi penerapannya yang bersifat formalistik terhadap akses keadilan dan perlindungan hukum bagi pencari keadilan. Penelitian ini menggunakan jenis penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual, yang selanjutnya dianalisis secara deskriptif-kualitatif. Hasil penelitian menunjukkan bahwa obscuur libel merupakan konsep doktrinal yang berkembang melalui praktik peradilan dan masih kuat dipengaruhi oleh paradigma formalisme hukum acara perdata. Selain itu, penerapan obscuur libel yang tidak proporsional berimplikasi pada tereduksinya akses keadilan, keadilan prosedural, dan perlindungan hukum bagi pencari keadilan dalam proses peradilan perdata..

Kata Kunci: Obscuur Libel, Hukum Acara Perdata, Negara Hukum

INTRODUCTION

Civil procedural law constitutes a fundamental instrument within the legal system to ensure the enforcement of private rights through judicial mechanisms. It does not operate as an autonomous body of law; rather, it serves to operationalize substantive civil law so that private rights may be enforced effectively and fairly before the courts. In classical civil procedure doctrine, procedural law is understood as *dienend recht*—a law of service—whose primary function is to provide legal protection for litigants through judicial proceedings.¹ Accordingly, civil procedural law should not be perceived merely as a set of technical or formal rules, but as an integral component of the legal system designed to safeguard rights and realize justice within a state governed by the rule of law.

Nevertheless, civil litigation practice in Indonesia continues to be characterized by a strong dominance of procedural formalism. This approach places strict compliance with formal procedural requirements as the principal *معیار* for determining the admissibility of a claim, often at the expense of examining the substantive rights in dispute. One of the most prominent manifestations of such procedural formalism is the application of the concept of *obscuur libel*, whereby a claim is deemed vague, unclear, or insufficiently formulated, rendering it inadmissible before the court. In practice, *obscuur libel* is frequently invoked as a basis for declaring a claim inadmissible without any substantive examination of the merits of the case.

From a normative perspective, neither the *Het Herziene Indonesisch Reglement (HIR)* nor the *Rechtsreglement voor de Buitengewesten (RBg)*—the principal sources of Indonesian civil procedural law—provides an explicit definition of *obscuur libel*. These regulations merely stipulate general formal requirements for filing a claim, such as jurisdictional competence and procedural submission rules. The concept of *obscuur libel* has instead evolved through judicial doctrine and practice as an instrument to assess the formal quality of pleadings. This development indicates that *obscuur libel* is essentially a construct of judicial practice rather than a systematically formulated statutory norm enacted by the legislature.

In judicial practice, *obscuur libel* is commonly understood as a claim that fails to clearly formulate its *posita* and *petitum*, contains internal contradictions,

¹ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia* (Yogyakarta: Liberty, 2009), 3–5.

or inadequately describes the legal relationship between the parties. The assessment of whether a claim constitutes *obscuur libel* largely depends on judicial interpretation, thereby opening a significant space for subjectivity. Several studies have demonstrated that the standards of clarity applied by judges are not always consistent and may vary from one court to another.² As a result, litigants are exposed to a serious degree of legal uncertainty when submitting civil claims.

The problem of *obscuur libel* becomes even more complex when considered in light of the diverse characteristics of justice seekers in Indonesia. Not all litigants possess legal expertise or adequate access to legal assistance. Under such circumstances, technical deficiencies in the drafting of claims—subsequently classified by judges as *obscuur libel*—may effectively bar litigants from having their disputes examined on the merits. This situation raises a fundamental question as to whether civil procedural law has fulfilled its function as a mechanism for legal protection and the realization of justice.

From a constitutional standpoint, this issue cannot be separated from the principle of the rule of law as enshrined in Article 1 (3) of the 1945 Constitution of the Republic of Indonesia. The rule of law requires that all exercises of power, including judicial power, be conducted in accordance with law that is just and guarantees the protection of citizens' rights. This principle is further reinforced by Article 28D (1) of the Constitution, which guarantees every person the right to recognition, legal protection, and fair legal certainty. Within this framework, civil procedural law should function to facilitate access to justice, rather than operate as an obstacle for justice seekers.

Furthermore, Law Number 48 of 2009 on Judicial Power explicitly mandates judges not to refuse to examine cases on the ground that the law is absent or unclear, as stipulated in Article 10 (1) of the statute. This provision reflects the adoption of the principle of *ius curia novit*, under which judges are presumed to know the law and are obliged to provide legal solutions for every case brought before them. In this context, the application of *obscuur libel* resulting in the inadmissibility of claims warrants critical examination, particularly where such practice functions as a means of avoiding substantive adjudication of disputes.

In addition, Article 5 (1) of Law Number 48 of 2009 obliges judges to explore, follow, and understand the legal values and sense of justice living

² D. A. Aziz dan A. N. Sari, "Analisis Yuridis Gugatan *Obscuur Libel* dalam Sengketa BPJS Kesehatan," *Ius Factie* Vol. 1, No. 1 (2022): 62–65.

within society. This provision affords judges the normative space to move beyond rigid procedural formalism and to consider substantive justice and the concrete circumstances of the parties. Against this backdrop, the use of obscure libel as a basis for rejecting claims without corrective procedural measures raises questions regarding the consistency of judicial practice with this normative mandate.

Scholarly studies on Indonesian civil procedure further indicate that judges are not entirely passive actors in civil proceedings. Sunarto, for instance, emphasizes that Indonesian civil procedural law recognizes a limited principle of active judgeship, particularly in assisting parties to ensure that proceedings are conducted fairly and effectively.³ This principle provides a normative foundation for judges to offer guidance or opportunities for rectification when claims suffer from formal defects, including vagueness. Consequently, the application of obscure libel should not automatically result in the rejection of claims, but may instead serve as a basis for procedural correction in the pursuit of justice.

Despite this normative framework, judicial practice continues to treat obscure libel as a final ground for declaring claims inadmissible. Empirical legal studies reveal that this approach reflects the persistence of procedural formalism in civil procedure, prioritizing procedural certainty over justice and legal protection.⁴ As a consequence, civil procedural law risks losing its primary function as a means of rights protection and instead becomes an instrument that restricts access to justice.

From the perspective of the theory of the rule of law and the theory of legal protection, this condition demonstrates a clear tension between procedural norms and the fundamental objectives of law itself. Legal protection requires that law not only provide certainty, but also ensure justice and utility for society. When obscure libel is applied rigidly and without proportional consideration, the objective of legal protection is undermined, and justice seekers—who should be protected—are instead placed at a disadvantage by procedural mechanisms.

Existing studies on obscure libel within Indonesian civil procedural law remain largely dominated by dogmatic and technical approaches. Most legal literature discusses obscure libel as a formal defect of claims and elaborates its

³ Sunarto, "Prinsip Hakim Aktif dalam Perkara Perdata," *Jurnal Hukum dan Peradilan* Vol. 5, No. 2 (Juli 2016): 255–260.

⁴ Oyaldi Puhi dkk., "Urgensi Beracara di Pengadilan dalam Perspektif Hukum Acara Perdata," *Pleno Jure* Vol. 10, No. 1 (2021): 7–10.

criteria without critically engaging with its broader implications for the rule of law and access to justice. Scholarly inquiries that examine obscure libel as a manifestation of tension between procedural formalism and the protection of litigants' rights remain relatively limited. This constitutes the research gap that the present study seeks to address.

Accordingly, this research raises two principal questions: first, how is the normative construction of obscure libel in Indonesian civil procedural law understood in light of procedural formalism and the principle of the rule of law; and second, what are the implications of applying obscure libel for access to justice and legal protection for litigants within civil procedure. Based on the foregoing discussion, this study is essential for critically re-examining the concept of obscure libel in Indonesian civil procedural law from a normative perspective. The study aims not only to elucidate the normative construction of obscure libel, but also to assess its implications for access to justice and legal protection within the framework of the rule of law. It is expected that this research will contribute meaningfully to the development of a more just and responsive civil procedural law that better serves the needs of justice seekers.

RESEARCH METHODOLOGY

This study employs normative legal research as its primary research method. Normative legal research is a form of legal inquiry conducted through the examination of legal materials, particularly secondary data, in which law is not perceived merely as an abstract or utopian concept, but as an institutionalized system embodied in written norms, legal principles, and established legal institutions. Through this approach, law is analyzed as a normative framework that governs social relations and judicial practice.⁵ In legal research methodology, several approaches are commonly recognized, namely the statutory approach, case approach, historical approach, comparative approach, and conceptual approach.⁶ In the context of this study, two approaches are adopted, namely the statutory approach and the conceptual approach. The statutory approach is employed to examine constitutional provisions and statutory regulations governing civil procedural law and judicial authority, while the conceptual approach is utilized to analyze legal

⁵ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (Jakarta: Rajawali Pers, 1995), 15.

⁶ Peter Mahmud Marzuki, *Pengantar Ilmu Hukum*, Cetakan ke-7, (Jakarta: Kencana, 2011), 93.

doctrines, principles, and theoretical frameworks relevant to the concept of *obscuur libel* and its application in civil proceedings.

The research relies exclusively on secondary legal materials, consisting of primary, secondary, and tertiary legal sources. Primary legal materials include constitutional provisions, statutes, and relevant judicial decisions; secondary legal materials comprise scholarly books, academic journal articles, and doctrinal writings; while tertiary legal materials consist of legal dictionaries and other supporting references. These materials are collected and examined through an extensive literature review. The data obtained from the legal materials are analyzed using a qualitative analytical method. This method emphasizes interpretative analysis and systematic reasoning to identify normative patterns, doctrinal inconsistencies, and conceptual tensions within civil procedural law, particularly concerning the application of *obscuur libel* and its implications for access to justice and legal protection.

RESULT AND DISCUSSION

The Normative Construction of *Obscuur Libel* in Indonesian Civil Procedural Law: Between Procedural Formalism and the Rule of Law

In Indonesian civil procedural doctrine, *obscuur libel* is understood as a condition in which a claimant's pleading is drafted in an unclear, vague, or insufficiently articulated manner, such that it fails to meet the minimum standard of clarity required for substantive judicial examination. A claim classified as *obscuur libel* typically does not clearly describe the legal relationship between the parties, the factual basis of the claim (*posita*), or the legal relief sought (*petitum*). As a result, the court is deemed to lack an adequate foundation to proceed with an examination of the merits.⁷

Despite its widespread recognition in judicial practice, *obscuur libel* is not explicitly regulated in either the *Het Herziene Indonesisch Reglement* (HIR) or the *Rechtsreglement voor de Buitengewesten* (RBg), which constitute the primary sources of Indonesian civil procedural law. The absence of explicit statutory regulation indicates that *obscuur libel* is a doctrinal concept that has developed through judicial practice and legal doctrine rather than through direct legislative formulation.⁸ Consequently, the application of *obscuur libel* is heavily dependent on judicial interpretation of the formal quality of pleadings.

⁷ Sudikno Mertokusumo, *Op. Cit.*, 58-60.

⁸ Oyaldi Puh, *dkk, Op. Cit.*, 10-14.

In practice, *obscuur libel* is often equated with other formal defects of claims, such as the absence of necessary parties (*plurium litis consortium*) or errors in identifying the proper legal subject (*error in persona*). The similarity lies in their legal consequence, namely that the claim is declared inadmissible (*niet ontvankelijke verklaard*). Conceptually, however, *obscuur libel* presents a more problematic character, as the standard of “clarity” is inherently relative and highly influenced by judicial subjectivity.⁹

The HIR and RBg do indeed place procedural formalities as an important component of civil procedure. Article 118 of the HIR regulates relative jurisdiction based on the defendant’s domicile, while Article 120 governs the procedural manner of filing a claim. These provisions demonstrate that civil procedure requires structure and procedural orderliness. Nevertheless, none of these provisions explicitly recognize *obscuur libel* as a statutory ground for rejecting a claim.

On the contrary, Article 119 of the HIR explicitly provides room for judges to assist claimants in drafting their claims when the claimant lacks understanding of procedural requirements. This norm indicates that Indonesian civil procedural law was not originally designed to be exclusive or to obstruct access to justice through rigid procedural traps. Normatively, therefore, there exists a balance between procedural formalism and the corrective obligation of judges.

In judicial practice, however, this balance often shifts toward excessive formalism. Claims deemed insufficiently clear are frequently classified as *obscuur libel* without first assessing whether the lack of clarity could be remedied through the course of proceedings. This approach reflects a transformation of procedural formalities from a means into an end in themselves, thereby undermining the function of civil procedural law as *dienend recht*—a law intended to serve the protection of rights.¹⁰

The principle of the rule of law, as enshrined in Article 1 (3) of the 1945 Constitution of the Republic of Indonesia, entails that all mechanisms of law enforcement, including civil procedure, must be oriented toward the protection of rights and the realization of justice. Within this framework, civil procedural law must not be positioned as a barrier to access to the courts, but rather as an instrument that ensures fair dispute resolution.¹¹

⁹ D. A. Aziz dan A. N. Sari, *Op. Cit.*, 62-73.

¹⁰ M. Nasir, *Hukum Acara Perdata* (Bandung: Manggu, 2025), 27-29.

¹¹ Lebih jauh dalam Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia* (Jakarta: Konstitusi Press, 2005), 122-124.

Furthermore, Article 28D(1) of the Constitution guarantees every person the right to fair legal certainty. Legal certainty under this provision cannot be narrowly construed as mere procedural certainty; it must also encompass assurance that civil rights will be substantively examined and adjudicated by the courts. Accordingly, a rigid application of *obscuur libel* risks contravening this constitutional principle.

Law Number 48 of 2009 on Judicial Power further reinforces the obligation of courts to adjudicate every case brought before them. Article 10(1) of the statute expressly prohibits courts from refusing to examine a case on the ground that the law is absent or unclear. This provision reflects the principle of *ius curia novit*, which positions judges as active legal actors responsible for finding and applying the law. Within this framework, the use of *obscuur libel* as a basis to preclude substantive examination must be critically assessed against the constitutional and statutory duty of the judiciary.

Indonesian civil procedural law does not adhere to an absolute principle of passive judgeship. Instead, a limited principle of active judgeship is recognized, particularly in order to ensure fair and effective proceedings.¹² This principle provides normative legitimacy for judges to actively guide the course of proceedings, including assisting parties in correcting formal deficiencies in their claims.

In the context of *obscuur libel*, the principle of active judgeship assumes strategic importance. A vague or unclear claim should not automatically result in inadmissibility, but may instead serve as a basis for judicial guidance aimed at enabling substantive examination of the dispute. Such an approach aligns with the objectives of civil procedural law as a mechanism for rights protection and the realization of procedural justice.¹³

Nevertheless, empirical studies indicate that in judicial practice, the principle of active judgeship is frequently diminished by a prevailing paradigm of procedural formalism. Judges often opt for the expedient route of declaring claims inadmissible on the basis of *obscuur libel*, rather than exercising their corrective procedural authority.¹⁴ This condition illustrates a persistent gap between the normative framework of civil procedure and its practical application.

¹² Sunarto, *Op. Cit.*, 249–255.

¹³ D. A. Aziz dan A. N. Sari, *Op. Cit.*, 62–73.

¹⁴ Prudencia Aurell dkk., “Alasan Putusan Niet Ontvankelijke Verklaard dalam Praktik Pemeriksaan Perkara Perdata,” *Prosiding SENAPAS* Vol. 2, No. 1 (2024): 290–293.

Based on the foregoing analysis, obscur libel emerges as a reflection of the normative tension between procedural formalism and the rule-of-law principle oriented toward justice. On the one hand, procedural formalities are necessary to maintain order and legal certainty; on the other hand, excessive formalism may obstruct access to justice and diminish the court's role as a protector of rights.¹⁵

The normative construction of obscur libel as developed through judicial practice suggests that Indonesian civil procedural law remains influenced by the legacy of colonial formalism. In the context of a modern rule-of-law state, this approach warrants critical re-evaluation so that civil procedure may function in a more responsive and justice-oriented manner. Obscur libel should therefore be positioned as a corrective procedural instrument rather than an exclusionary tool that forecloses substantive judicial review.¹⁶

The Implications of a Formalistic Application of Obscur Libel for Access to Justice and Legal Protection

Access to justice constitutes one of the essential elements of a modern rule-of-law state. This principle requires that every individual have a real and effective opportunity to submit legal claims, defend rights, and obtain dispute resolution through fair judicial mechanisms. In the context of civil procedural law, access to justice cannot be narrowly understood as merely the right to file a lawsuit; rather, it encompasses the right to obtain substantive judicial examination of the dispute. Accordingly, any procedural mechanism that results in the foreclosure of substantive review must be critically assessed from the perspective of access to justice.

A formalistic application of obscur libel has a direct impact on the restriction of access to justice. When a claim is declared vague and consequently inadmissible, judicial proceedings are terminated before entering the stage of substantive adjudication. As a result, justice seekers lose the opportunity to obtain a judicial determination of their disputed civil rights and obligations. In practice, this situation is frequently experienced by litigants who lack legal training or have limited access to legal assistance, such that technical deficiencies in claim drafting ultimately lead to total procedural failure.¹⁷

¹⁵ Guruh Marda dkk., "Kedudukan Pengetahuan Hakim dalam Pembuktian Perkara Perdata," *Jurnal Hukum dan Kesejahteraan* Vol. 8, No. 2 (2023): 40-43.

¹⁶ Joshua Constantinofel Tambun, "Amar Putusan Hakim dalam Perkara Perdata Ditinjau dari Hukum Acara Perdata," *Jurnal Hukum* (2024): 12-15.

¹⁷ Oyaldi Puh dkk, *Op. Cit.*, 6-9.

From a normative standpoint, this condition stands in tension with the principle of the rule of law, which positions the judiciary as the primary mechanism for the protection of rights. Article 28D (1) of the 1945 Constitution of the Republic of Indonesia guarantees every person the right to fair legal certainty, which must be understood as a guarantee of judicial processes that allow for substantive examination of disputes. Where *obscuur libel* is applied rigidly and without proportional consideration, civil procedural law risks functioning as a barrier to access to justice rather than as an instrument of rights protection.

Procedural justice constitutes an important dimension of the judicial system. It requires not only the existence of clear rules, but also processes that are fair, proportional, and provide balanced opportunities for all parties. Within civil procedure, procedural justice demands that litigants be afforded reasonable opportunities to rectify technical errors that do not affect the substantive essence of the claim.

A rigid application of *obscuur libel* undermines procedural justice by treating technical deficiencies as a definitive basis for rejecting claims. In reality, not all instances of vagueness are fundamental or irreparable. Numerous cases demonstrate that deficiencies in the formulation of *posita* or *petitum* may still be corrected during the course of proceedings, either through oral clarification by the claimant or through amendment of the claim upon judicial guidance.¹⁸

From the perspective of Gustav Radbruch's theory of justice, law must balance three fundamental values: justice, legal certainty, and utility. An application of *obscuur libel* that excessively prioritizes procedural certainty while neglecting considerations of justice and utility reflects an imbalance in the realization of these values. Legal certainty achieved through the rejection of claims does not necessarily equate to justice, particularly where such rejection sacrifices the claimant's right to substantive adjudication of the dispute.¹⁹

In the theoretical framework of legal protection, it is widely accepted that law must safeguard individual rights through both preventive and repressive mechanisms. Preventive legal protection aims to avert violations of rights through fair and transparent procedures, while repressive legal protection seeks to provide remedies once violations have occurred. In civil procedure, legal protection materializes through judicial processes that enable justice seekers to obtain authoritative rulings on their rights.

¹⁸ D. A. Aziz dan A. N. Sari, *Op. Cit.*, 66-67.

¹⁹ Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law," *Oxford Journal of Legal Studies* 26, no. 1 (2006): 6-10.

The application of *obscuur libel* resulting in the rejection of claims without substantive examination reflects a weakness in preventive legal protection. Courts fail to provide corrective procedural space for litigants to remedy technical deficiencies, thereby allowing potential rights violations to persist unaddressed. Moreover, repressive legal protection is likewise not achieved, as no judicial decision is rendered to restore or affirm the disputed civil rights.²⁰

Empirical studies in the field of civil procedure indicate that decisions declaring claims inadmissible on the basis of *obscuur libel* often impose additional burdens on justice seekers, including financial costs, time delays, and psychological stress. Refiling a claim does not always constitute an effective solution, particularly for litigants with limited resources. This condition illustrates how a formalistic application of *obscuur libel* may generate inequality in access to legal protection.²¹

Within Indonesian civil procedural law, the role of judges cannot be separated from the principle of active judgeship within certain limits. Sunarto emphasizes that judges possess the authority to assist parties in ensuring that judicial proceedings are conducted fairly and effectively, including by facilitating the correction of formal deficiencies in claims.²² This principle is particularly significant in the context of *obscuur libel*, as it provides a normative foundation for judges not to automatically reject claims deemed vague.

Article 5 (1) of the Law on Judicial Power obliges judges to explore and understand the values of justice living within society. This norm requires judges to avoid rigid procedural formalism and to position civil procedural law as a means of rights protection and the realization of justice. In this context, *obscuur libel* should be treated as an indicator of the need for procedural correction rather than as an absolute ground for closing access to judicial review.

Judicial practice, however, demonstrates that judges frequently adopt a formalistic approach in applying *obscuur libel*. While such an approach may provide procedural certainty, it carries the risk of sacrificing justice and legal protection for justice seekers. This situation reveals a persistent gap between the normative ideals of civil procedural law and its practical implementation.

²⁰ Prudencia Aurell dkk., *Op. Cit.*, 291–294.

²¹ D. S. Sinaga dan A. Syahputra, “Tinjauan Yuridis terhadap Putusan Niet Ontvankelijke Verklaard dalam Perkara Gugatan Kurang Pihak,” *Jurnal Hukum FH UNISSULA* Vol. 39, No. 1 (2023): 48–52.

²² Sunarto, *Op. Cit.*, 260–267.

Based on the foregoing analysis, a formalistic application of *obscuur libel* poses a serious challenge to the realization of a just rule-of-law state. The rule of law demands not only clear rules, but also their fair and proportional application. In the context of civil procedure, the application of *obscuur libel* that forecloses access to justice contradicts the very essence of the rule of law, which positions the judiciary as the ultimate guardian of citizens' rights. Accordingly, a paradigmatic shift in the application of *obscuur libel* is required. A more justice-oriented approach necessitates that procedural formalities be treated as means rather than ends, and that judges maximize their corrective role to ensure that civil procedural law continues to function as an instrument of legal protection and the realization of substantive justice for justice seekers.

CONCLUSION

Based on the discussion in this article, conclusions are drawn to answer the following problem formulation:

1. The normative construction of *obscuur libel* in Indonesian civil procedural law demonstrates that the concept does not originate from explicit regulation within the *Het Herziene Indonesisch Reglement (HIR)* or the *Rechtsreglement voor de Buitengewesten (RBg)*, but rather has evolved as a product of legal doctrine and judicial practice strongly influenced by a procedural formalism paradigm. In judicial practice, *obscuur libel* is treated as a formal defect of a claim that results in its inadmissibility without substantive examination of the dispute. This condition reveals a normative tension between procedural formalism and the principle of the rule of law, which positions the judiciary as an instrument for the protection of rights and the realization of justice. Consequently, from a normative perspective, the rigid and absolute application of *obscuur libel* is not fully consistent with the function of civil procedural law as *dienend recht*, nor with the constitutional mandate of a rule-of-law state.
2. Furthermore, the formalistic application of *obscuur libel* has direct implications for the erosion of access to justice, procedural justice, and legal protection for justice seekers in civil judicial practice. The rejection of claims based solely on formal vagueness, without providing corrective procedural space, deprives litigants of the opportunity to obtain judicial examination and adjudication of their civil rights. From the perspective of theories of justice and legal protection, such practice reflects the dominance of procedural certainty at the expense of justice and legal utility. Accordingly, a disproportionate application of *obscuur libel* risks contravening the fundamental principles of the rule of law, which demand a judicial system that is fair, inclusive, and oriented toward the effective protection of citizens' rights.

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