

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

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**ABSTRACT**

This analysis examines the Freirechtslehre school, which was developed by Eungen Ehrlich, in the context of the creativity of judges in finding law and its important role in justice and protection of human rights (HAM). Freirechtslehre is an approach that recognizes that law does not only consist

of written rules, but is also based on community practice and experience. In this analysis, first of all, Eungen Ehrlich's background and contribution in the development of the Freirechtslehre school is explained. Ehrlich emphasizes the importance of understanding law holistically, by involving social, cultural, and economic factors in making legal decisions. He also considers judges to have an active role in discovering law, not just as passive law enforcers. Furthermore, this analysis discusses the creativity of judges in finding law in the perspective of Freirechtslehre. Judges are seen as law creators who have the freedom to interpret and apply law by considering the social context and the values of justice. The creativity of judges in finding law is the result of innovative thinking and efforts to achieve justice and protect human rights. Then, the role of the Freirechtslehre sect in justice and human rights protection is discussed in depth. By paying attention to the social context, Freirechtslehre emphasizes the importance of accommodating social change and upholding human rights values in legal decisions. This stream also strengthens the protection of human rights by emphasizing the fulfillment of individual rights and ensuring justice in the legal system. This study concludes that the Freirechtslehre school makes a significant contribution to our understanding of the creativity of judges in finding law and the importance of justice and protection of human rights. In carrying out their duties, judges need to develop creativity in understanding and applying the law, as well as considering the social context and values of justice in order to achieve justice and effective protection of human rights.

**Keywords:** *Human Rights, Law, Justice, Judge*

## **1 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). In the legal system, the judge has a crucial role in deciding the case and interpreting the applicable law. However, traditional approaches often view judges as passive legal recourse, only follow 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 not only of the written rules, but also related to social, cultural, and economic factors that influence legal decisions. Ehrlich emphasizes the importance of understanding the law as holistic and considering social context in discoveries and implementing law.

In the justice context 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 creativity to interpret law fairly, taking into account human rights protection and accommodate social change. Thus, the background of this analysis is to explain and understand the concept of Freirechtslehre developed by Eungen Ehrlich, as well as the importance of the judge creativity on 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. At that time, people experience significant social changes, affecting legal dynamics and demands of substantial justice. This flow emphasizes the importance

of judges is as creative law creators and have an active role in interpreting and applying law by considering social context, justice values, and human rights protection.

In the context of justice and human rights protection, Freirechtslehre flows provide a strong foothold in ensuring fair legal decisions and in accordance with 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 and emphasizing the need for a holistic understanding in maintaining justice and protecting human rights in the legal system.

## **2 The Flow of Freirechtslehre Which Has Been Developed by Eungen Ehrlich 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 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 as well as ensuring 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, with a aim of 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 that are 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 faced with the task of integrating the principles of justice and the 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 important in maintaining relevance and use for law to face the complexity of legal issues that arise in modern society. Thus, the flow of Freirechtslehre acknowledged that the creativity of judges in finding law was an important aspect of achieving human rights and protection. Through this use of creativity, judges can ensure that laws aren't just a formal instrument, but also become a means to achieve broader social goals, including justice and human rights protection.

### **3 Creativity of Judges at Finding Law May Contribute to Human Rights Protection**

Judges' creativity in discovering laws can contribute significantly to human rights protection. Through their use of creativity, judges can produce innovative and responsive legal decisions to challenges and developments in human rights protection. Creativity of judges may allow them to look beyond legal text literally and interpret 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 protection of human rights through extensive and inclusive interpreters of human rights

principles in the constitution and laws that apply. Judges may also use their creativity to face an unforeseen or new situation that appears in society and involves considerations of human rights. 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 creativity of the judge can help in finding a fairer and balanced solution in solving cases that involve human rights. In complex situations, judges may leverage their creativity to find balance between individual rights and the public interest, taking into account human rights principles. Thus, the creativity of the judge can produce legal decisions that do not only protect the human rights substantially but also pay attention to the contextual factors that influence the under consideration situation. In conclusion, the creativity of judge in finding law contributed precious to human rights protection. Through the use of this creativity, judges can strengthen human rights protection by interpreting law inclusively, responsive and balanced against challenges and development in society.

#### **4 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 strong 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 in breaking the legal case. Thus, judges are faced with tasks to understand the social context in making legal decisions. This flow views that fair legal decisions must pay attention to the values of universal justice and protect the human rights as an underlying foothold.

The influence of Freirechtslehre's flow is also seen in the interpretation of better law and inclusive 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. This allows a responsive development of law in the needs and demands of society as well as human rights protection. Moreover, Freirechtslehre's flows also prompted judges to confirm that the legal decision taken reflects substantial protection against human rights. The judge is expected to pay attention to 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 the context of legal decision-making.

Overall, Freirechtslehre's flow has a strong influence in 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 fair legal decisions.

## **5 The Implications and Relevance of Flow Freirechtslehre and Creativity Judge Within Discovering Law on the Context of Justice and Human Rights Protection Right Now**

The implications and relevance of the flow of Freirechtslehre and creativity of the judge in finding law on 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 as well as the development of human justice and rights values. The implication is that the judge can use

their creativity to find a fairer legal solution and in accordance with the demands of justice in cases that involve human rights.

This flow relevance is also seen in an attempt to ensure that the judge is not only adheres to mechanical legal rules, but also takes into accounting' underlying human rights values. This is crucial in the context of human rights protection, in which 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 in 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 creativity of judges in finding law on the context of justice and human rights protection today are to ensure that the law is not only a formal tool, but also a effective instrument in achieving substantial justice and protecting human rights. These streams provide the framework which 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 taken into account social changes, technological progress, and new challenges that arise in protecting human rights.

The relevance of this flow also lies on the attempt to build an inclusive and fair law. Judges may be using their creativity to address gaps or weakness in existing laws that may not fully meet the standard of human rights protection. Using this approach, judges may expand your understanding and applications of justice values and human rights, including accommodation 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 that are based on human justice and rights. This flow encourages the involvement of various parties in the process of 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 creativity of justice judges in finding law on the context of justice and human rights protection today are to promote adaptive, inclusive, and responsive development of society changes and development. This aims to ensure that human rights remain protected effectively, strengthen justice, and reflect the underlying human values.

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