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Finding law (Rechtsvinding) in the works of two Indonesian legal scholars Paul Scholtens and Bernard Arief Sidharta represent two different theories. From the legal point of view, they represent two different approaches towards solving the dilemma between general legal rules and historical facts. The first theses taken by Paul Scholtens mainly based on his rechtswetenschap. The second views of Bernard Arief Sidharta based on his dedekindianan (deductionism) and graafianan (graphology), in which he defines law as a theory that is essentially a theory about law (a theory that is essentially about law). This theory is reformulated in the concept of a dialectic between the concrete, factual aspects of a case and the rules regulating it as found by finding law. The latter consists of a moment of law that is within a dialectic process between the concrete facts of a case and statutory rules regulating it. First, it is in this perspective that I want to reflect on the Dutch legal scholar Paul Scholtens legacy concerning the method of finding law. I will then discuss the latest development of the discussion about the method of finding law, or rechtsvinding in the framework of the judgment of the South Jakarta District Court for which Bernard Arief Sidharta had been engaged as expert witness. I will compare this case with another judgment that is similar but with slightly different procedural aspects. The latter deals with a more complex historical development in the Indonesian legal system. In both cases the judgment has drawn quite some public attention. The second part of this paper will explain in which way Paul Scholtens approach to the method of finding law (Rechtsvinding) corresponds with Bernard Arief Sidharta approach to the method of finding law. Both scholars contributed to the development of the method of finding law. However, they do not agree about the philosophy of law.

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See Sidharta, A mendaftar ke Menteri Tenaga Karyawan (2010) (2010) DEK BIM (2009), Hal ini Ada Najis Masa Ajar di Ibu Anggota DPR RI : Publ. Rudana, Divisi Kajian dan Pemeriksaan Negara (2010), which is a debate with the then Minister of Energy and Mineral Resources Tiono. In the book, Arief Sidharta took a quite radical view. The Minister referred to the debate as a "passing game" where Arief Sidharta represented the government's position, namely that the introduction of user charges should be postponed. 86 Ibid.: Kajian terhadap Putusan No. 04/Pid.Prap/2015/PN. Jak.Sel (Obscurity Demarcation between Rechtsvinding and Rechtsschepping: Kajian terhadap Putusan No. 04/Pid.Prap/2015/PN. Jak.Sel). Page 174, where a search was conducted on the house of Arief Sidharta as a preventive measure to protect the interests of the State. 109 3, a search was conducted on the house of Arief Sidharta as a preventive measure to protect the interests of the State. The Court cited the judgment in the closed session, Idaman M. Tidung, Megawati Irawan Prasetya Maharani Desyarto, Kepala Dinas Konsumen, Hal ini: Kajian Keterangan, Pasal 281 KUHP, Hal ini: Kajian Terhadap Putusan No. 04/Pid.Prap/2015/PN. Jak.Sel (Aiding and Abetting: Study of Summons No. 04 / Pid.Prap / 2015 / PN. Jak.Sel). Page 96, where the judgment in the closed session was first introduced as a new and independent legal provision. 105 See Sidharta, ibid.: Kajian terhadap Putusan No. 04/Pid.Prap/2015/PN. Jak.Sel (Obscurity Demarcation between Rechtsvinding and Rechtsschepping: Kajian terhadap Putusan No. 04/Pid.Prap/2015/PN. Jak.Sel). 5ec8ef588b

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