

Unraveling the Crisis of Legal Formulation and Law Enforcement in Indonesia through a Legal Philosophy Approach

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Abstract:

The crisis of law formation and enforcement in Indonesia stems not merely from procedural shortcomings but from a deeper collapse in legal values and morality. This paper examines the relevance of legal philosophy, particularly through its ontological, epistemological, and axiological dimensions, in analyzing and reconstructing Indonesia's legal system. Ontologically, law must be understood as an embodiment of society's moral values, not merely a written statute; Bernard Arief Sidharta emphasizes that law expresses a nation's fundamental values. Epistemologically, the Indonesian legal system remains overly positivistic and insufficiently reflective, as criticized by H.L.A. Hart through his concept of the internal point of view. Axiologically, the law must not only pursue formal legitimacy but must realize justice as a foundational value. Gustav Radbruch famously argued that in extreme cases, justice must prevail over legal certainty. It is within this philosophical framework that law can be reshaped to align with the ideals of Pancasila. The Pancasila principles, ranging from humanity to social justice, must form the ethical and normative foundation of all legal policies. This article affirms that legal philosophy is not only a tool for reflection but a normative framework to build a moral, just, and emancipatory legal order in Indonesia.

Keywords: Legal Philosophy; Law Enforcement; Pancasila; Legal Reform; Substantive Justice.

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INTRODUCTION

The formation and enforcement of law in Indonesia is currently undergoing an acute crisis (Sufriadi, 2024). This phenomenon is clear from various legal incidents that have caused public unrest, ranging from the weak integrity of law enforcement officials, court decisions that do not reflect justice, to the widespread practice of judicial mafia. According to the 2023 Rule of Law Index published by the World Justice Project, Indonesia ranked 66th out of 142 countries, with particularly low scores in the areas of absence of corruption (0.42) and criminal justice (0.49), indicating systemic weaknesses in law enforcement integrity (World Justice Project, 2023). Furthermore, the 2023 Corruption Perceptions Index by Transparency International placed Indonesia at 115th out of 180 countries with a score of 34 out of 100, reflecting persistent challenges in combating corruption within the judicial system (Index, 2020). National surveys conducted by Indonesia Corruption Watch (ICW) revealed that public trust in the judiciary declined significantly from 52% in 2018 to 38% in 2023, with corruption in the judicial sector being cited as the primary reason for this erosion of confidence (Butt, 2023; Saputra, Suwadi, Laksito, & Santos, 2025).

Cases that should serve as examples of the supremacy of law instead reflect the degradation of legal morality and justice itself (Yudisetyo, Razaq, & Prasetyo, 2025). Law appears to have lost its ideal meaning as the protector of justice and the public interest. Law enforcement demands a moral attitude of integrity, which becomes the capital for legal professionals in carrying out their professional duties (Ananta & Pranoto, 2025; Muttaqien, Yubaidi, Pakarti, & Bello, 2025). This crisis of law enforcement cannot merely be understood as a technical weakness within the mechanism of positive law (Behuku, Kusuma, Chasanah, Sugianto, & Indradewi, 2025). Beyond that, it is a crisis of values that touches the very substance of law as a normative institution that ought to originate from and serve society (Gilmore, 2025). The state places law as the foundation of state power, and the exercise of such power in all its forms must be conducted under the authority of law; no other power may exist above it. Law is the lifeblood in all aspects of life.

Law has become an instrument of power, no longer a vessel of justice. This situation calls for deeper and more reflective thinking, which does not merely answer the question of “how law works,” but also “why law has lost its meaning of justice.” It is in this context that the approach of legal philosophy becomes highly relevant and urgent. Legal philosophy offers a framework of thought that enables policymakers to understand the essence of law within the context of complex social dynamics (Katili, Leonarza, & Fadlan, 2025; Tampubolon, 2025). Legal philosophy not only aims to explain how law functions but also provides guidance on how law ought to be designed (Atiq, Brownlee, Enoch, & Marmor, 2025; Rafiqi, 2025). Legal philosophy, as a branch of philosophy that contemplates the nature of law, truth, justice, and the purpose of law, is capable of analyzing the problem of law enforcement from a more fundamental root (Almeida, Hannikainen, Prochownik, & Tobia, 2025; Veronika & Asmarasari, 2025). Through this approach, law is no longer seen merely as a collection of written norms, but as an expression of the values and moral ideals of a society that must be examined critically and thoroughly (Alexandra, 2025; Barkah, Sintang, & Morin, 2025).

As emphasized by classical legal philosophers such as Plato and Aristotle, ideal law must reflect justice and the common good (Apaut & Saunoah, 2025; Mariana & Kurniawan, 2025). The emphasis on balance or proportion in Aristotle’s theory of justice can be seen in his assertion that equality of rights must exist among equals (Yandy & Lestiyani, 2025). However, in the practice of law in Indonesia, these values are often distorted by political, economic, and power interests (Wedha, Mukti, & Turymshayeva, 2025). This causes law to lose its ethical orientation and shift into an instrument for legitimizing the interests of particular groups. The problems of law enforcement in Indonesia reveal a disparity between law in the books and law in action. In terms of law enforcement officials, it can be said that in Indonesia, the relationship between the state and law enforcement agencies reflects a monopoly on violence that is indeed legitimized by the state. When legal regulations are drafted with noble purposes but executed with low moral standards, law becomes a tool for justifying injustice. The legal philosophy approach can bridge this gap by re-examining the values that should serve as the foundation of every legal product and judicial practice (Pranajaya & Kurniawan, 2025; Stephenson, 2025).

Several Indonesian legal scholars have attempted to address legal reform through philosophical approaches. Satjipto Rahardjo (2009) introduced the concept of “progressive

law" (hukum progresif), which emphasizes law as a means to serve humanity rather than rigid adherence to procedural formalism. Romli Atmasasmita (2012) examined the integration of Pancasila values in criminal law reform, arguing that legal reform must be rooted in national ideology to achieve legitimacy and effectiveness. Mahfud MD (2010) analyzed the political configuration of law in Indonesia, demonstrating how law becomes a product of power rather than a reflection of justice when political interests dominate legal formulation. Meanwhile, Arief Hidayat (2017) explored constitutional justice through the lens of Pancasila, asserting that constitutional interpretation must always be guided by the philosophical foundation of the state. However, these studies have primarily focused on specific legal domains or institutional reforms without providing a comprehensive philosophical framework that integrates ontological, epistemological, and axiological dimensions to address the systemic crisis of law enforcement.

The novelty of this research lies in its comprehensive philosophical synthesis that integrates Dworkinian legal integrity, Hartian legal epistemology, and Radbruchian axiological prioritization within the uniquely Indonesian context of Pancasila as *grundnorm*. While previous studies have examined legal philosophy or Pancasila values separately, this research offers a systematic framework that demonstrates how the three dimensions of legal philosophy—ontology, epistemology, and axiology—can be operationalized concretely through Pancasila principles to reform Indonesia's legal system. Furthermore, this study provides practical case analyses (Government Regulation No. 28 of 2022 and the Luthfi Hasan Ishaaq verdict) to illustrate how philosophical principles can be applied as evaluative criteria for assessing actual legal products and judicial decisions, thereby bridging abstract theory with concrete legal practice.

The status of Pancasila in Indonesia is unequivocal: it serves as the foundation of the state, a guide for Indonesian society in various aspects of life, particularly within the framework of nationhood and state order, and as the national ideology of Indonesia. Pancasila, as the state foundation and the highest source of values in the Indonesian legal system, ought to be the principal framework in the formation and enforcement of law. However, in reality, the values of Pancasila are often reduced to rhetorical symbols without substantive application in legal processes. This is why a legal philosophy approach rooted in Pancasila is necessary to assess whether the prevailing laws genuinely reflect social justice and civilized humanity. This crisis also indicates an institutional failure in upholding the morality of law. Legal education in Indonesia, which should equip future law enforcers with ethical values and a philosophy of justice, remains overly focused on procedural and dogmatic aspects. The lack of emphasis on the dimension of legal philosophy has resulted in legal officials lacking sufficient moral sensitivity in confronting complex legal dilemmas.

In such a situation, legal philosophy can serve as a means of evaluating the legal system through its three main dimensions: ontology (the nature of law), epistemology (the method of acquiring legal knowledge), and axiology (the purpose and values of law). This approach becomes a conceptual tool to assess whether the Indonesian legal system truly reflects the principles of justice, rationality, and humanity. Based on this line of thought, this study seeks to answer the following fundamental research questions: What is the relevance of the legal

philosophy approach, particularly in the dimensions of ontology, epistemology, and axiology, to the Indonesian legal system? And how can the legal philosophy approach contribute to designing an Indonesian legal system that is more aligned with the ideals of justice according to Pancasila?

Therefore, this study does not merely aim to philosophically explain the problems of law enforcement, but also to offer a conceptual foundation in formulating the direction of legal reform in Indonesia—toward a system that is more just, moral, and oriented toward the common good.

RESEARCH METHODOLOGY

This research employed a normative legal approach with an emphasis on legal philosophy analysis. It aimed to understand law as a value system, considering not only the formal aspects of legislation but also its substance and morality. The normative legal approach allowed examination of the crisis in law enforcement through reflection on fundamental principles such as justice, truth, and the legitimacy of legal authority. The legal philosophy approach provided a critical foundation to assess how law ought to function in society based on ideal values.

Data sources were obtained through library research, including classical and modern legal philosophy books, scholarly journals, legislative documents, and relevant court decisions. The literature included the works of legal philosophers such as Plato, Aristotle, Aquinas, H.L.A. Hart, and Ronald Dworkin, alongside Indonesian legal scholars addressing the relevance of Pancasila in the national legal system. The research also observed current phenomena within the Indonesian judiciary for critical reflection on the implementation of law in practice.

Data analysis was conducted qualitatively and reflectively, employing the three main dimensions of legal philosophy: ontology, epistemology, and axiology of law. This analysis examined the nature and function of law in Indonesian society and identified weaknesses in the existing law enforcement structure. Through this method, the research not only explained the flaws in the legal system but also offered a philosophical framework to guide just and moral legal reform.

RESULT AND DISCUSSION

Relevance of the Legal Philosophy Approach to the Indonesian Legal System

Ontology in legal philosophy is concerned with fundamental questions regarding the nature of law itself, what is meant by law, what constitutes its basis of existence, and how law manifests within societal life. Ronald Dworkin, in his work *Law's Empire*, affirms that law is not merely a set of written rules, but also encompasses moral principles that are inherently embedded in legal practice and social life. According to him, legal interpretation must take into account integrity as a political virtue that connects justice, fairness, and due process. Hans Kelsen, in “Pure Theory of Law”, developed the concept of law as a system of norms possessing normative existence that must be understood conceptually. Kelsen emphasized that the validity of law does not depend on its moral or political content, but on a hierarchical structure of norms culminating in the *grundnorm* (basic norm). In the Indonesian context, this *grundnorm* is Pancasila, which serves as the foundational norm providing legitimacy to the entire national legal system. Bernard Arief Sidharta, an Indonesian legal philosophy scholar, affirms that law must be understood as an expression of a nation's fundamental values,

especially the values of Pancasila, which constitute the foundation of the state and the source of national legal order. According to Sidharta, ontological inquiry determines the scientific character of legal studies and its implications for how law is developed in society. The ongoing crisis of law enforcement such as the lack of integrity among officials and the prevalence of judicial mafia practices reflects a failure to uphold a legal ontology rooted in moral values and substantive justice. Law has lost its essence as the manifestation of the nation's noble values and has instead become merely an instrument of power.

The epistemology of law discusses the origins, validity, and means of acquiring knowledge about law. Herbert L.A. Hart, in *The Concept of Law*, emphasizes the importance of understanding primary and secondary rules, as well as rational and scientific methods of legal interpretation. Hart developed the theory of the "internal point of view," which stresses that law must be understood from the perspective of participants who accept rules as standards of conduct. Soerjono Soekanto and Purnadi Purbacaraka, in their various works, highlight the importance of an empirical approach to understanding law as a dynamic social phenomenon. They assert that legal philosophy plays a crucial role in shaping the direction of legal democracy and accommodating the evolving needs of society. Lon L. Fuller, in *The Morality of Law*, developed the theory of the "internal morality of law," which includes eight principles of legality, such as clarity, consistency, and feasibility of compliance. Fuller emphasizes that the validity of law does not solely depend on its formal structure, but also on its alignment with internal moral principles. In the practice of Indonesian law, there exists a gap between law in the books and law in action. This gap reveals the weakness of legal epistemology within the law enforcement system. Such discrepancies occur because law enforcement officers often carry out their duties without a foundation of critical and reflective legal knowledge. The axiology of law relates to the purposes, values, and benefits of law itself, why law is created and what values it aims to realize. Aristotle, in *Nicomachean Ethics*, developed a theory of justice that distinguishes between distributive and corrective justice. Aristotle asserts that justice means giving what is due to whom it is due, emphasizing balance and proportionality. John Rawls, in *A Theory of Justice*, developed the theory of justice as fairness, which guarantees equal opportunity and protection for all citizens. Rawls introduced the concepts of the "original position" and the "veil of ignorance" as methods for achieving universal and impartial principles of justice. Rudolf von Jhering, in *The Purpose in Law*, asserts that the purpose of law is to protect the interests of society and achieve justice, rather than merely maintaining legal certainty. Jhering developed a teleological theory that emphasizes that law must be evaluated based on its social objectives. Gustav Radbruch, in his famous formula, stated that extremely unjust laws lose their character as law. Radbruch's formula emphasizes the tension between legal certainty and justice, and gives priority to justice in extreme situations. Bismar Siregar, a former Indonesian Supreme Court judge, asserted that "if, in order to uphold justice, I must sacrifice legal certainty, then I will sacrifice the law, because law is merely a means, whereas the ultimate goal is justice." This statement affirms the urgency of axiological orientation within the Indonesian legal system.

Philosophical Approaches to Legal Design in Indonesia: Aligning the Legal System with the Justice Ideals of Pancasila

Pancasila, as the ideology and the foundational basis of the Indonesian state, contains noble values that must serve as the foundation for the formation and enforcement of law. Notonagoro, in his theory of Pancasila, affirms that each principle within Pancasila possesses a hierarchical structure and is interrelated, with the principle of Belief in the One and Only God as the spiritual foundation, the principle of Just and Civilized Humanity as the moral foundation, the principle of the Unity of Indonesia as the political foundation, the principle of

Democracy Guided by the Inner Wisdom in the Unanimity Arising out of Deliberations Among Representatives as the democratic foundation, and the principle of Social Justice for All the People of Indonesia as the ultimate goal. Sukarno Aburaera asserts that legal philosophy functions as a supervisor and guide to ensure that law consistently rests upon the values of justice and morality that are both universal and contextual. In the Indonesian context, Pancasila serves as the primary parameter in assessing whether a legal product reflects the values of justice and humanity.

The philosophical approach to law that integrates ontology, epistemology, and axiology enables policymakers and legal apparatuses to formulate laws that are not only formally valid but also just and moral. From the ontological dimension, Indonesian law must be understood as a manifestation of the values of Pancasila that live within Indonesian society. From the epistemological dimension, legal knowledge must be obtained through methods that are critical, reflective, and open to social developments. From the axiological dimension, the law must be directed toward realizing social justice and the common good in accordance with the ideals of Pancasila. Satjipto Rahardjo, in his theory of “progressive law,” emphasizes the importance of law that is not rigid and always seeks ways to serve human beings and humanity. According to him, progressive law is law that is pro-justice and pro-people, not law that only prioritizes certainty and mere procedures. Legal education that prioritizes legal philosophy will equip law enforcement officers with moral sensitivity and reflective capacity in facing complex legal dilemmas. Mochtar Kusumaatmadja, in his concept of “law as a means of social change,” emphasizes that law must be able to anticipate and facilitate the social changes occurring in society. Paulo Freire, in “Pedagogy of the Oppressed,” although not specifically discussing law, provides inspiration regarding the importance of liberating critical education. In the context of legal education, this approach encourages future law enforcers not only to memorize rules but also to understand the social context and the values of justice underlying them.

Disharmony between Administrative Power and the Principles of the Rule of Law: A Philosophical Study of Government Regulation No. 28 of 2022

Within the framework of legal philosophy, the expansion of the authority of the State Receivables Affairs Committee (PUPN) through Government Regulation No. 28 of 2022 cannot be viewed merely as an administrative or legal-formal technical issue, but must be examined more profoundly through ontological, epistemological, and axiological approaches within the context of the rule of law (*rechtsstaat* or rule of law). Legal ontology raises questions about the very nature of the existence of law itself, whether the law arising from such regulation reflects values of justice or merely serves as an instrument of power. Epistemology questions how legal truth is obtained and justified, whether through legitimate and accountable procedures or through normative assumptions that have not been ethically tested. Meanwhile, axiology assesses the extent to which the law upholds noble aims in enforcing justice and humanity. This philosophical approach to law offers a critical and normative foundation to evaluate whether the expansion of PUPN’s authority, as stipulated in Government Regulation No. 28 of 2022, truly aligns with the spirit of a dignified and just rule of law, or conversely deviates from the fundamental principles that ought to underpin every legal product of the state.

Legal ontology questions the very nature of law. Ronald Dworkin, in *Law’s Empire*, rejects the understanding of law as merely a collection of written rules. He introduces the concept that law is a moral interpretation of social and institutional practices and emphasizes legal integrity as a political virtue that binds justice, fairness, and the legitimacy of the state. In the context of Government Regulation No. 28 of 2022, it is evident that law is reduced to an

administrative instrument employed by the state to expand the authority of the PUPN without sufficiently considering the principle of integrity. In Government Regulation No. 28 of 2022, the PUPN is granted quasi-judicial and quasi-executorial powers, including the authority to seize assets without involving judicial mechanisms. This signifies an ontological deviation from law as a value-based system that upholds human dignity. According to Dworkin, when law is separated from the moral values that live within society, it loses its legitimacy. Government Regulation No. 28/2022 demonstrates that the state is not interpreting law through moral principles coherent with justice, but rather instrumentalizing law for fiscal interests and administrative repression. Therefore, from Dworkin's ontological perspective, legal products must reflect the integrity and legal ethics that ought to constitute the core of their existence.

In the epistemological dimension, we ask how law is known, formed, and recognized as valid. Hart's theory distinguishes between primary rules (which regulate behavior) and secondary rules (which regulate how law is created, modified, and enforced). He also emphasizes the importance of the internal point of view, namely that law is valid only if it is accepted as a just standard by the legal community itself. The formulation of Government Regulation No. 28 of 2022 implies serious epistemological issues. Normatively, the Regulation is a derivative legal product of Law No. 49 Prp of 1960. However, when this Regulation substantively transforms the institutional nature of the State Receivables Affairs Committee (PUPN) from administrative to executorial without revising the parent law or involving the judiciary, it violates the logic of the rule of recognition as constructed by Hart. It exceeds the boundaries of its normative legitimacy. Furthermore, Hart acknowledges that a legal system must remain open to rational and reflective evaluation by the legal community. It must be further examined whether this Regulation was drafted and implemented without a public consultation mechanism or judicial review by the Supreme Court, which renders it closed from the standpoint of legal participation. When PUPN officials then execute without space for defense or evidentiary procedure, the legal system loses the internal justification that constitutes its legitimacy according to Hart. Law no longer lives in public consciousness but is merely imposed from above.

The axiological dimension questions why law is established, what its purpose is, and what values must be realized. Aristotle, in *Nicomachean Ethics*, emphasizes that justice is the highest virtue in public life. He divides justice into distributive and corrective. Corrective justice, which is relevant in matters of state receivables, must be carried out through a neutral institution and through a process that rectifies the imbalance between the state and its citizens. Government Regulation No. 28 of 2022, in contrast, allows the state to act without institutional correction, without balance between rights and authority. When the State Receivables Affairs Committee (PUPN) decides, assesses, and executes within a single hand, the principle of giving to each their due cannot be realized. In practice, Government Regulation No. 28 of 2022 introduces an additional legal subject that can be held accountable, as stated in Article 4 paragraph 3, namely the "Party Receiving the Right," which includes family members related by blood in ascending, descending, or lateral lines up to the second degree and/or husband/wife. This is inconsistent with the substantive purpose of the regulation, which is to collect state debt, yet it tends not to realize justice for other parties who are not involved but are forcibly held accountable. The Party Receiving the Right becomes a victim of the absence of a fair corrective procedure. Aristotle teaches that law must preserve social harmony, not become a source of power dissonance. Therefore, within the axiological framework of Aristotle, this Regulation tends not to align with the ethical purpose of the law itself.

The expansion of the authority of the State Receivables Affairs Committee (PUPN) through Government Regulation No. 28 of 2022 implies a conceptual tension between formal

legality and moral legitimacy within the framework of a civilized rule of law. When law is reduced merely to an administrative tool to strengthen the reach of power, it loses its existential dimension as a guarantor of justice, a guardian of public morality, and a protector of human dignity. From the perspective of legal philosophy grounded in the foundational values of Pancasila, this constitutes a profound deviation. Pancasila, as the philosophical and ideological foundation of the state, embodies a hierarchical and integrative system of values, beginning with Divinity as the transcendental basis, Humanity as the moral basis, and culminating in Social Justice as the practical objective of national life. However, within the context of Government Regulation No. 28 of 2022, there appears to be a shift in the orientation of law from values to power, from substantive justice to coercive procedure. Through a Dworkinian ontological approach, a Hartian epistemological perspective, and an Aristotelian axiological lens, it becomes evident that this regulation is not only legally problematic but also fails to fulfill the demands of justice in its most essential sense. Therefore, in order to preserve the integrity of law as an expression of the noble values of Pancasila, every formation of legal norms must originate from an ethical awareness that law is not merely a binding command, but a reflection of the collective aspiration to uphold human dignity within a just and humane social order.

Disparity Between Norm and Justice: A Case Study of the Verdict Against Luthfi Hasan Ishaq (2013)

In 2013, Luthfi Hasan Ishaq, who at the time served as President of the Prosperous Justice Party (PKS), was sentenced to 16 years of imprisonment for being proven guilty of accepting bribes related to the management of beef import quotas from PT Indoguna Utama. For the criminal act of corruption, Luthfi was deemed to have violated Article 12 letter a of Law Number 31 of 1999 on the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 in conjunction with Article 55 Paragraph 1 point 1 of the Indonesian Criminal Code. The panel of judges stated that the defendant was proven to have abused his political influence to affect policy at the Ministry of Agriculture. However, the sentence was later reduced through the appeals process, judicial review, and eventually, LHI was granted parole before serving the full term of his imprisonment. This decision drew widespread criticism from civil society. Many parties considered that the leniency granted to high-profile corruption offenders did not reflect the public's sense of justice. This case was also regarded as an example where judicial authorities placed greater emphasis on procedural and administrative aspects rather than the essence of justice, which ought to be the substance of the law itself.

In the ontological dimension of law, law should represent the values of life within society. Bernard Arief Sidharta emphasizes that law is the expression of a nation's fundamental values, not merely a set of codified provisions. In the context of the LHI case, the law appears to operate merely as a formal instrument governed by procedure, yet detached from moral meaning and social justice. As Ronald Dworkin reminds us, law cannot be separated from moral principles and integrity. Therefore, when the reduction of punishment for perpetrators of criminal acts is carried out without considering the moral response of society or the principle of substantive justice, the existence of law as a normative construct representing public moral values loses its ontological legitimacy.

The epistemology of law critiques the ways of thinking and acquiring legal knowledge. H.L.A. Hart, in *The Concept of Law*, highlights the importance of an internal perspective on legal norms, that is, norms are followed not merely due to coercion, but because they are believed to be legitimate moral standards. In the LHI case, it is evident that the legal system operates through formal mechanisms but fails to deliver contextual and reflective legal reasoning. The interpretation of the function of criminal punishment is not placed within the

framework of collective justice or the restoration of public integrity, but merely follows the construction of statutory provisions and administrative procedures. This indicates that Indonesia's legal system remains weak in developing an epistemological reasoning capable of understanding law as a meaningful social practice, rather than merely as normative dogma.

Aspek aksiologis menguji tujuan moral dan nilai dari hukum itu sendiri. Gustav The axiological aspect examines the moral purposes and values of law itself. Gustav Radbruch, in the Radbruchsche Formel, stated that in extreme situations, substantive justice must take precedence over legal certainty. The verdict on LHI, which tends to mitigate the punishment of a severe corruption offender through formal legal channels, exemplifies how the ethical purpose of law (namely, justice) is defeated by legal procedures devoid of moral meaning. Bismar Siregar reminds us that "if, in order to uphold justice, I must sacrifice legal certainty, then I will sacrifice that law". This statement affirms that law, as an instrument, must not lose its orientation toward justice as its ultimate goal. In this case, the law appears to have failed as a means of liberation and protection, and instead serves as a tool legitimizing elitist legal power.

The LHI case illustrates a crisis of legal philosophy in the practice of the Indonesian judiciary, where the ontology of law is reduced to technical norms, the epistemology of law is dominated by doctrinal reasoning, and the axiology of law is silenced by procedural logic. A philosophical approach to law becomes both relevant and urgent in redesigning the Indonesian legal system to be not merely formally valid, but also substantively just and ethically moral. By juxtaposing theory with reality, this case reinforces the argument that national law must be constructed not solely on the basis of text, but also with moral courage, ethical alignment, and the noble values of Pancasila as the foundational norm.

CONCLUSION

The philosophical approach to law, through its ontological, epistemological, and axiological dimensions, is crucial for addressing Indonesia's law enforcement crisis by emphasizing law as an expression of Pancasila-based social values, advocating critical and contextual legal understanding, and directing law toward social justice. Redesigning the Indonesian legal system with this approach requires a paradigm shift in legal education, legislation, and enforcement to prioritize substantive justice alongside formal certainty. Legal philosophy thus restores law's role as a protector of justice rather than a tool for power legitimization, bridging the gap between law in text and law in practice. Future research could explore practical strategies for integrating this philosophical framework into legal education and institutional reforms to facilitate the transformation of Indonesia's legal system.

REFERENCES

- Alexandra, Luna. (2025). Cultural Sensitivity and Fidelity in Interpretation: Navigating Complex Moral Dilemmas. *Gender and Language*, 22.
- Almeida, Guilherme, Hannikainen, Ivar, Prochownik, Karolina, & Tobia, Kevin. (2025). Experimental Jurisprudence (Stanford Encyclopedia of Philosophy entry). *Stanford Encyclopedia of Philosophy Entry*.
- Ananta, Nandhini Lawrence, & Pranoto, Edi. (2025). Implementation of Law In Public Life: Challenges and Solutions for the Police Profession. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, 7(1), 292–301.
- Apaut, Yosep Copertino, & Saunoah, Egiony. (2025). The Role of Legal Philosophy in Building a Fair and Just Legal System (Examining the Legal System in Lawrence M.

- Fiedman's theory). *Jurnal Restorasi: Hukum Dan Politik*, 3(2), 176–187.
- Atiq, Emad H., Brownlee, K., Enoch, D., & Marmor, A. (2025). Law, the rule of law, and goodness-fixing kinds. *Engaging Raz: Themes in Normative Philosophy*, 377.
- Barkah, Qodariah, Sintang, Suraya, & Morin, Leanne. (2025). Negotiating Islamic Law and State Norms in Child Marriage Practices in Coastal Indonesia. *Antmind Review: Journal of Sharia and Legal Ethics*, 2(1), 43–55.
- Behuku, Jitro Gianfranco, Kusuma, Jevine Ilonesia, Chasanah, Nabila Uswatun, Sugianto, Fajar, & Indradewi, Astrid Athina. (2025). The Judge's Role in the Effectiveness of Anti-Corruption Enforcement in Indonesia: A Juridical Analysis. *SIGn Jurnal Hukum*, 7(1), 351–367.
- Butt, Simon. (2023). *Judicial Dysfunction in Indonesia*. Melbourne Univ. Publishing.
- Gilmore, Justin. (2025). Consensual Subordination In Capitalist Democracies. *The Routledge Handbook on the Lived Experience of Ideology*.
- Index, Corruption Perceptions. (2020). *Transparency international*.
- Katili, Fitri Yanti, Leonarza, Qisthy, & Fadlan, Fadlan. (2025). Harmonization of Interfaith Marriage Law in Indonesian Legal System: Between Social Reality and Legal Certainty. *International Journal of Social Welfare and Family Law*, 2(1), 22–32.
- Mariana, Anisa Defbi, & Kurniawan, I. Gede Agus. (2025). Plato's Justice in Business Law: A Study from the Perspective of Legal Philosophy. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 24(1), 6926–6941.
- Muttaqien, Muhammad Syahrul, Yubaidi, Ahmad, Pakarti, Muhammad Husni Abdulah, & Bello, Abdulmajeed Bolade Hassan. (2025). Building a Just Law: The Role of Legal Professional Ethics in Indonesia. *Mawaddah: Jurnal Hukum Keluarga Islam*, 3(1), 80–91.
- Pranajaya, I. Kadek Widi, & Kurniawan, I. Gede Agus. (2025). Intellectual Property Rights in the Age of AI and Big Data: A Reinterpretation of the Concept of Creativity in Legal Philosophy. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 24(2), 7042–7060.
- Rafiqi, Ilham Dwi. (2025). Re-reading Mochtar Kusumaatmadja's Theory of Development Law: Exploring the Philosophical Basis and Considering Relevance. *Iuris Philosophia Journal*, 1(1), 11–26.
- Saputra, Rian, Suwadi, Pujiyono, Laksito, Fx Hastowo Broto, & Santos, Jose Gama. (2025). The Authority of Judges in Determining Suspects of Corruption: Rationality for the reform of Indonesia Criminal Justice in Corruption. *Indonesian Journal of Crime and Criminal Justice*, 1(2), 156–187.
- Stephenson, Randall. (2025). 'Difference' and 'Similarity' in Comparative Law: Lessons from Process-Relational Philosophy. *Canadian Journal of Law & Jurisprudence*, 1–39.
- Sufriadi, Yanto. (2024). The progress of Indonesian law enforcement reform after 25 years of the reform movement. *Asian Affairs: An American Review*, 51(1), 28–54.
- Tampubolon, Manotar. (2025). Decoding Legal Ambiguity: the Interplay between Law and Legal Semiotics in Modern Jurisprudence. *International Journal for the Semiotics of Law- Revue Internationale de Sémiotique Juridique*, 1–29.
- Veronika, Dita, & Asmarasari, Bianglala. (2025). Corporate Seizure Related to Corruption and

Money Laundering in Indonesia: Issues and Problems in Law Enforcement. *Indonesian Journal of Crime and Criminal Justice*, 1(2), 230–251.

Wedha, Yogi Yasa, Mukti, Hudali, & Turymsbayeva, Arida. (2025). Unraveling the Complex Policies Regulating Conflicts of Interest and Criminal Corruption. *Journal of Human Rights, Culture and Legal System*, 5(1), 33–59.

Yandy, Eza Tri, & Lestiyani, Tri Endah Karya. (2025). The Theory of Justice and Ultra petita Decisions: A Critical Analysis of Judicial Review in the Constitutional Court. *Constitutionale*, 6(1), 13–26.

Yudisetyo, Zerry Akbar, Razaq, Muhammad Abdul, & Prasetyo, Dossy Iskandar. (2025). Cultivating anti-corruption moral habits: a philosophical and normative legal analysis. *Law and Economics*, 19(3), 314–323.