

**INTERPRETATION OF LEGAL PHILOSOPHY OF CONTEMPORARY LAW****Patrick Winson Salim<sup>1\*</sup>, Dimas Candra<sup>2</sup>, Rasji<sup>3</sup>**

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**ABSTRACT****Keywords:** interpretation of legal philosophy; contemporary law; legal solutions.

Law is an inseparable element of human life. Over time, the law undergoes significant changes to adapt to changes in society and social progress. This transformation has created various contemporary legal issues that require deep philosophical understanding. The interpretation of legal philosophy plays a central role in addressing the challenges of contemporary law. This approach not only provides profound insights into the philosophical dimensions of the law but also helps to understand how contemporary law changes and adapts to the dynamics of society and the development of social progress. Legal philosophy is a discipline that seeks to find truth or a deeper understanding of the law. In this context, legal philosophy is not only concerned with technical aspects or concrete legal regulations but also seeks a broader understanding of the law's values, ethics, morality, justice, and underlying purposes. This research aims to explain "How can the application of the interpretation of legal philosophy address contemporary legal challenges?" This analysis takes a literature study approach as the basis for the paper's preparation. The exploration findings indicate that interpreting legal philosophy allows for deep critical thinking about contemporary legal issues, helps identify underlying values, and formulates better and fairer solutions to these problems.

**Introduction**

Philosophy and law are two disciplines that are often interrelated and side by side in understanding different aspects of society and social order (Ginting, Khairunnisa, & Andriati, 2022). Philosophy is the in-depth study of the meaning of existence, knowledge, ethics, and reality of man and the universe, which philosophers throughout history have deepened. It stimulates critical thinking and shapes our perspective on the complexity of human phenomena and the universe. Through the analysis of concepts and philosophical research, in the process, achieve absolute truth or meaning in the human frame of mind (Jazil, Rato, & Setyawan, 2023).

Human nature, especially when dealing with situations or phenomena they have never experienced before. Human beings, as beings endowed with reason and mind, have a natural tendency to always ask questions and seek deeper understanding when faced with new and mysterious things, such as the secrets of nature (Wulansari & Yorisca, 2020). The instinct to seek answers and understanding will creep within them. They may begin to question the phenomenon's origin, how it affects their lives, and what further implications it has for us to eventually lead people to the pinnacle of understanding that is "knowledge."

I was referring to the argument that the object of question in philosophy is related to fundamental ideas that are often abstract and complex (Wulansari & Yorisca, 2020). In many cases, philosophical questions cannot be solved by an empirical scientific approach oriented toward direct observation. Instead, philosophy invites us to think deeply, reflect on ideas, and design rational arguments to answer questions involving fundamental aspects of human existence and knowledge (Mukhlis & Zaini, 2021).

The development of thought related to aspects of philosophy has always attracted the attention of intellectuals from diverse disciplines. Especially in legal science, there continues to be an effort to think more profoundly and formulate legal norms by human nature (Hastangka & Santoso, 2021). Until now, the study of legal philosophy remains a relevant topic, not only in Indonesia but also throughout the world. The goal is to create a legal system that provides justice to all citizens (Rahman, Sari, Rato, & Setyawan, 2023).

The science of law, which belongs to the practical sciences, has unique features that distinguish it from other disciplines. Legal science has a scope of study related to the regulation of behavior that may require compliance that does not solely depend on the individual's free will but can also be imposed by authorities, such as legal institutions and the government (Palsari, 2021). In the contemporary era, the role of legal science is increasingly focused on forming new legal regulations necessary to accommodate the development of emerging social relations. Therefore, legal science must be open and able to integrate concepts from various other fields of science without changing its essence as a normative science that deals with laws and regulations (Parinussa, 2018).

Therefore, the statement that "the law must be able to integrate concepts from other fields of science without changing its essence as a normative science" presents challenges and shortcomings. The challenge arises because contemporary law must remain relevant and accommodate changes in an increasingly complex modern society. However, there is a risk that the law may lose its focus and distinctive characteristics in this process.

In terms of contemporary law, the number of unresolved cases is what should be a severe problem. These cases may not reach a fair verdict or drag on the judicial process, resulting in legal uncertainty and frustration for all parties involved. Efforts to ensure that every case is treated with care and by the principles of justice are a significant challenge in the contemporary legal system.

True justice exists in various aspects of life, just as law is present in various forms and dimensions. Justice can appear in social, economic, political, and the like, but all this requires great sacrifice. National law, known as positive law in academic conditions, cannot always guarantee the realization of the concept of justice. Justice, prosperity, and happiness will not come alone; Man must strive to achieve them. Sometimes, despite the efforts of individuals or groups of people and using their minds, justice, prosperity, and happiness remain something challenging to realize. Bitter experiences in life teach us that the world may be just a game.

Philosophical interpretation exists as an attempt to overcome this challenge. The philosophy of law provides an intellectual framework that helps us understand and analyze the philosophical underpinnings of contemporary law. This allows the law to remain linked to important moral, ethical, and justice principles while benefiting from knowledge and concepts from other disciplines and keeping its distinctive characteristics as a normative science while still responsive to societal developments and changes. Thus, the interpretation of legal philosophy plays a role in ensuring that contemporary law is practical and inspires efforts to improve the legal system to align with the aspirations of justice and humanity in this modern era.

To identify the background of this research, the essence of the problem that will be the focus of the research can be formulated as follows: "How can the interpretation of legal philosophy overcome contemporary legal challenges?" This research examines whether the interpretation of legal philosophy can be applied in dealing with complex legal problems in the contemporary era. The author seeks to analyze the potential interpretation of legal philosophy in the context of contemporary law in the hope that the resulting findings and conclusions can enrich the understanding of the complexity of today's law.

### **Research Methods**

This research adopts a normative juridical approach, providing a framework for analyzing theoretical secondary data, such as primary and secondary materials. Alternatively, the approach applied is conceptual. This approach explores the potential use of solutions in solving contemporary legal problems, focusing on the offerings presented by exegetes of legal philosophy. This research also involves the literature study method, which reviews literature, regulations, and writings relevant to the research object. The data collection process is carried out carefully to ensure that relevant and appropriate sources are used.

### **Results and Discussion**

#### **The Concept of Interpreting Legal Philosophy**

Philosophy of law has a crucial role as the basis for contemporary legal understanding. In this position, the thought of the philosophy of law becomes the conceptual foundation that helps to unravel and analyze fundamental concepts in modern law. One such aspect of this understanding is the thinking of legal norms. Legal philosophy helps explain the nature of legal norms, whether they are purely positive (as in legal positivism) or must also consider ethical and moral elements. This is relevant in dealing with contemporary issues such as human rights, where legal norms often collaborate with the ethical values underlying those rights.

In addition, the values underlying law are also a focus in contemporary legal understanding. The philosophy of law helps analyze the extent to which values such as justice, truth, and freedom influence law formation today. This is relevant in conditions of globalization where different values and cultures meet in the same legal system.

Understanding the role of values in law also opens the door to critical thinking about the law that may conflict with the fundamental values of society.

Philosophy of law is a branch that focuses on law as the main object. This discipline studies law in depth to understand its essence or essence. It refers to an attempt to understand the essence of law itself better. One of the leading legal figures, Satjipto Rahardjo, explained that legal philosophy focuses on questions that have an essential nature in the subject of law.

These questions include understanding the nature of law, that is, what makes a rule or norm law, as well as the basis of the binding force of law, which explains why individuals and societies must obey the law. The philosophy of law, within this framework, aims to delve deeper into these basic concepts and answer the questions underlying the existence of law.

Muhadi interprets legal philosophy as a deep understanding of all aspects of the field of law, including understanding that reaches its roots. In this case, the philosophy of law explores and analyzes values in the context of contemporary law. Justice, truth, and freedom are several values that are significant focuses in his legal philosophy. Muhadi believes that a deep understanding of these values is indispensable to guide the formation, interpretation, and application of current laws.

The philosophy of law also provided a philosophical basis for the development of legal science. Along with the development of time and the birth of legal theory as an independent scientific discipline, legal philosophy continues to act as a philosophical basis for the development of legal theory. In this case, the philosophy of law becomes the primary reference in forming teachings, values, and scientific foundations for legal theory and legal science. This shows that law is inseparable from the social and cultural values that exist in society. A close relationship exists between law as an entity and society's social and cultural values. This strong linkage brings an understanding that quality law is a law that can reflect and accommodate the values espoused by society (Nasution, 2014).

Some figures, such as Kelsen, Miguel Reale, and Hart, approached the philosophy of law with various approaches that later contributed to the development of legal theory. Kelsen, as a positivist, introduced pure legal theory. On the other hand, Miguel Reale presents a philosophy of law known as critical ontogenoseological historicism. Hart, meanwhile, took inspiration from the tradition of Wittgenstein and Austin, which posit law as a fusion of two sets of rules: first, the rule that establishes obligations, and second, which concerns the recognition and adjustment of the first rule.

Aristotle, a classical philosopher, compiled a view of the position of the philosophy of law, which can be described as follows:

1. Logic: Aristotle regarded logic as a preliminary science to philosophy.
2. Theoretical Philosophy: In this branch, Aristotle encompasses three types of science:
  - a. Physics, which questions the world of matter and genuine nature.
  - b. Mathematics questions natural objects in terms of quantity.
  - c. Metaphysics discusses the nature of everything in metaphysics.

3. Practical Philosophy: In this branch, Aristotle encompasses three types of science: a. Ethics, which governs the decency and happiness of individuals in their personal lives. b. Economy, which regulates decency and prosperity in the family. c. Politics, which regulates decency and prosperity in state society.
4. Poetic philosophy, often called aesthetic philosophy, encompasses various aspects of art and aesthetics.

In this situation, Aristotle's philosophical description shows that legal philosophy emerged as an attempt to overcome the inability of legal science to form and apply legal rules and decisions as a logical and conceptual system (Setiyanto, 2017). Therefore, legal philosophy is considered a suitable alternative for solving complex legal problems.

The relationship between law and justice, although abstract, remains relevant and has a significant impact on the development of legal science. Throughout legal thought, all schools of thought have pursued the concept of justice, either in law as an object or as an integral part of the individual. A law that stands alone without regard to justice will be like a body with no soul (Kamil, 2022). On the other hand, justice that is not regulated by law will lead to decision-making that is subjective and broad in scope without following established guidelines.

Aristotle classified the concept of justice into two forms: distributive and commutative. Distributive justice refers to the principle that each individual should receive a share corresponding to his or her rights, which should be proportionate. In this case, it is fair that everyone receives the corresponding share of their right in a balanced manner and the prevailing proportions. On the other hand, commutative justice is concerned with determining fair rights among equal individuals, both physically and non-physically.

Interpretation of legal philosophy highlights the importance of including elements of justice in forming laws or rules. Although rule-formers may tend to ignore justice aspects as legal goals, they are expected to formulate legal theories with a justice dimension. This will support the urgency of passing specific rules through the legislative process in state institutions. Every rule-making process involves a stage of consideration that involves deep thought. This stage includes philosophical considerations that note that the purpose of law should include aspects of justice in the formation of law. The results of this consideration stage help direct the formation of laws more in line with the values of justice.

Furthermore, the interpretation of legal philosophy is also relevant for judges in courts and constitutional judges responsible for law enforcement (Susanto, 2021). To ensure fair law enforcement, they must always consider the aspect of fairness in every legal decision they make. Therefore, legal philosophy is relevant not only in the stage of law formation but also in the daily implementation of law to maintain justice in the legal system.

### **The Impact of Interpretive Philosophy of Law on Contemporary Legal Practice**

In the face of increasingly complex contemporary legal problems, there has been a significant increase along with the emergence of various social problems in society.

Therefore, it is essential to develop an understanding of legal science through changes in social and legal dynamics, both in text and context. This development is essential for producing ideas relevant to current social conditions and legal needs as a branch of science.

Therefore, interpretation in legal philosophy deepens the understanding of law in Indonesia. Through this approach, we can better understand the basic principles of law, as well as the underlying values and goals. This is because contemporary law often faces complex problems that are difficult to solve with conventional approaches. By drawing on the thinking of legal philosophy, legal practitioners can deal with these issues more analytically and reflectively. This helps in finding better and fairer solutions.

The interpretation of legal philosophy also has great potential to deepen our understanding of the purposes and values upon which law is based. This can support the development of better and fairer legal practice. In addition, this thinking also plays a role in developing more sophisticated legal theories, which can respond to legal challenges and problems that arise in modern society.

Understand how the law interacts in society and impacts it entirely. It helps in designing better legal practices and ensures that the law functions effectively for the benefit of society. Therefore, interpreting legal philosophy is vital in opening new insights into the understanding of law and its role in society.

The use of the interpretation of legal philosophy in overcoming current problems is still less every day among stakeholders and legal practitioners. Therefore, cooperation and collaboration between legal philosophers are indispensable to integrating legal philosophy into contemporary legal practice. It is essential to continue to sharpen and review the interpretation of legal philosophy to remain relevant to the dynamics of the times. This will make a more substantial contribution to society to ensure that the laws implemented remain by the changing values of justice and social aspirations.

The interpretation of philosophy in overcoming unequal court settlement and not getting a proper settlement becomes fundamental when these complex and challenging legal issues do not get the justice they deserve. Legal philosophy provides a deep perspective in analyzing the root causes and finding fairer solutions. In this context, the philosophy of law can help explore fundamental questions about the values, ethics, and justice underlying existing law. Evaluate whether applicable laws conform to just moral principles and achieve their intended humanitarian goals to ensure that complex court cases get fairer treatment and by the principles of justice that underlie the law itself.

The interpretation of legal philosophy opens the door to evaluating and critiquing existing law, broadening understanding of law, and clarifying moral principles such as justice and freedom. This is important to build a critical understanding of the law, strengthening its integrity and credibility in the eyes of the public. Thus, the interpretation of legal philosophy has a significant role in addressing contemporary problems, strengthening law, and building a more just, prosperous, and cultured society.

### **Conclusion**

Based on the previous description, it can be concluded that the philosophy of law aims to deepen the understanding of these basic concepts and answer the questions underlying the existence of law. Philosophical exegesis exists as an attempt to confront this challenge, enabling deep critical thinking about contemporary legal issues. Its implementation provides an intellectual framework that helps understand and analyze contemporary law's philosophical underpinnings. This allows the law to remain connected to essential moral, ethical, and justice principles while also embracing knowledge and concepts from various other disciplines. In maintaining its essence as a normative science, law can still respond to societal developments and changes. Therefore, the interpretation of legal philosophy plays a significant role in ensuring that contemporary law functions effectively and inspires efforts to improve the legal system to be more in line with the ideals of justice and human values in this modern era.

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