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The nature of justice in the perspective of the philosophy of science

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Abstract. In theory, sources of knowledge might also originate from the outcomes of reflection or contemplation rather than just from experimental or study results. A philosopher engages in reflection or contemplation when attempting to understand or identify the core of something having to do with legal principles. What is meant by justice is the most important philosophical topic when discussing the nature of justice. That is a question that pertains to the field of science philosophy. According to its core, the philosophy of science is a branch of general philosophy that provides responses to a number of inquiries regarding the nature of science. Science philosophy examines the philosophical underpinnings, presumptions, and implications of science, including the social and natural sciences. Philosophy of science studies the philosophical foundations, assumptions and implications of science, including the natural sciences and social sciences. Philosophy of science is closely related to epistemology and ontology.

Keywords. justice; philosophy; legal science

Introduction

In theory, sources of knowledge might also originate from the outcomes of reflection or contemplation rather than just from experimental or study results. A philosopher engages in reflection or contemplation when attempting to understand or identify the core of something having to do with legal principles. What is meant by justice is the most important philosophical topic when discussing the nature of justice. That is a question that pertains to the field of science philosophy. According to its core, the philosophy of science is a branch of general philosophy that provides responses to a number of inquiries regarding the nature of science. Science philosophy examines the philosophical underpinnings, presumptions, and implications of science, including the social and natural sciences. Philosophy of science studies the philosophical foundations, assumptions and implications of science, including the natural sciences and social sciences. Philosophy of science is closely related to epistemology and ontology.

Science philosophy examines the key components of science to help us as a whole comprehend the origins, nature, and goals of science as well as the development and advancement of science across a variety of fields, giving us a general understanding of the historical processes that led to modern science. Science-based philosophy liberates people from the chains of dogma and mystical thinking. Science philosophy aids in the ability to discriminate

between concerns that are scientific and those that are not. Philosophy of science provides a historical-philosophical foundation for every disciplinary study occupied by philosophers.

Formulation Of The Problem

What are the benefits of the philosophy of science in an effort to discover the nature of justice.

Research Method

This study will explain various research methods for conducting legal research with a literacy study approach to unravel contemporary legal issues.[1] This research was conducted by tracing library materials for further use as a basis for analyzing the problems studied.

Discussion

Studying the philosophy of science can be advantageous because it can be used to: a) evaluate scientific thinking and make it critical of scientific endeavors; b) reflect on, test, and supply scientific assumptions; and c) provide a logical foundation for the scientific method. It is intended that through studying science philosophy, one will be able to fully comprehend science and be able to apply that knowledge as the basis, foundation, or point of reference in scientific inquiry.

At the ontology level, the philosophy of science studies the nature of the existence of something which is the object being studied. The exact sciences find it easier to find the nature of the object of study, including finding the truth that is being researched. The exact sciences produce formulas that serve as the basis for testing the essence of something that is the object of study, so that the truth it obtains is absolute truth.

The truth of legal science's dogmas, however, is exceedingly subjective and hard to define, in contrast to the social sciences, which includes the family of legal sciences. For instance, there are no clear standards for the ideas of certainty and fairness, and there are no clear limits that can be used to measure these concepts. Because all truth in law is relative and subjective, the information collected is likewise not always true.

Relative truth it will be difficult to find a measure of whether the truth is truly the truth that can be accepted by everyone or whether the truth is only for someone who formulates the truth. These issues of subjectivity make it difficult for the social sciences to find their true identity. Thus, social science studies including legal science will experience difficulties that do not find an end, namely the essence of truth.

In an epistemological perspective, the methods or ways used to discover the essence of something from legal concepts also experience difficulties. It is even said that the method used by normative law is considered unusual and invalid. The issue of epistemology or how to obtain the truth of normative jurisprudence is often used as an excuse to say that jurisprudence is not normative jurisprudence in its true sense.

Empirical scientists question the methods used by normative legal scientists, to the point where they question the validity of normative legal scholarship with their statement that normative law is not science, but only expertise (*'not science but skill'*). However, if you look at how normative law works using its own epistemology, or using its own method, there is actually no reason to question the validity of normative law, including efforts to seek understanding of concepts in normative law.

Normative legal research is not done if the attempt or method of discovering the truth or looking for the essence in empirical sciences uses research procedures that have been

standardized or standardized by relying on repeated truth tests, using primary data directly collected from the source. Legal arguments, legal reasoning, and the capacity to understand or interpret legal concepts using deductive and occasionally descriptive methods are all part of normative legal epistemology, which seeks to determine the nature and validity of the truth of a notion.

It is this sharpness of analysis by using the logics of systematic thinking and the support of the ability to analyze based on arguments and legal reasoning that will later become *the basis for the legality* of the truth of a concept in normative jurisprudence. Therefore, it will never be found the nature of the concept that is certain and can be accepted by all parties by acclamation. Because everyone's ability to use reason, argument and interpretation is different.

In the perspective of axiology, or usability, it is the same with aspects of ontology and epistemology. That is, the three talk about the usefulness of a study or legal study, then the use also has different meanings. The usefulness or usefulness of a legal study for a person will be different from the perspective of the use of another person. The usefulness of a finding resulting from empirical scientific research may be the same from one person to another.

For instance, findings made by Chinese researchers on the Covid-19 vaccination will undoubtedly be accepted in study on the medicine, and it is thought that the vaccine will help prevent the Covid-19 virus. Everyone will therefore perceive the use of the Covid 19 vaccination as the outcome of research that is beneficial to all and serves to stop the spread of the Covid - 19 virus.

Based on the description above, the philosophy of science is a tool that guides philosophers or seekers of truth to discover the nature of justice , so this philosophical contemplation then gives birth to several theories of justice. These theories of justice are a means of explaining the nature and meaning of justice as a legal concept, which is actually the essence or nature of the law itself.

Theories of justice start with an attempt to comprehend the word "justice" in order to describe the nature of justice. The term "justice" is derived from the word "fair" by adding the prefix "ke" and the ending "an". Fairness is sometimes viewed as a state that gives what ought to be rights and obligations and is not one-sided. People are constantly drawn to justice since it is the fundamental component of all laws. Justice is the foundation of the law. Everyone is constantly working toward justice, which never ends. Justice has always been a very interesting conversation in all situations and conditions, in every community. According to *the Institute of Justinian*, the term *justice* " is formulated as: "*Justice is the constant and continual purpose which is given to everyone his own.*"[2]

In this concept, justice is a term used in the relationship between the people and the government. Thus, if what is given by the government to its people is not in accordance with what a person or group of people should receive, it will be said or felt unfair . It can even be said in an extreme way that if what is accepted as a right by someone is not in accordance with what should be received, then that person can fight for it through various existing channels, either through persuasive efforts or using available legal means.

Efforts to find the essence of justice have been fought for all time, both by philosophers and through real efforts from society. In the Greek era, through his eminent philosopher , namely Plato, gave birth to the concept of justice by stating that justice is a matter of "pleasure" '*convenience*'. Plato realized that when justice is considered as pleasure, the value or nature of pleasure varies or even contradicts one person to another, in the end justice is only a form of compromise. A form of compromise between happiness and unhappiness, which is not rarely does its existence have to be forced.

Furthermore Plato said, justice is a virtue that contains harmony and balance which cannot be known or explained by rational argumentation. Plato divides virtue into the following classifications a) wisdom or wisdom; b) courage or determination; c) discipline; as well as justice.[3] Referring to the nature of Plato's concept of justice, Ulpianus emphasized the notion of justice as an acknowledgment of what is a person's rights based on rights that must be received in accordance with what should be received. This is a concept of justice based on rights that must be received to those who really really deserve it.

Furthermore, Aristotle said , such justice is known as *distributive justice*. Aristotle 's views on justice can be seen in his work '*Nicomachean ethics, politics, and rhetoric* '. Aristotle was the first philosopher to formulate the nature of justice. Aristotle stated that "justice is giving everyone what is due, *fiat justitia berreat mundus*.[4] Specifically seen in the *nicomachean ethics book*. The book is intended for the struggle to find justice. Based on the thoughts of Aristotle 's legal philosophy , this thought should be considered as the core of his legal philosophy, "because law can only be determined in relation to justice".[5]

This view of justice as a grant of equal rights, but not equality . Aristotle distinguished his equal rights according to proportional rights. Equal rights in the human view are the same unit or container. It is understood that all people or every citizen is equal before the law. Proportional equality gives everyone what they are entitled to according to their abilities and achievements.

Furthermore, Aristotle divides justice into two kinds of justice, "*distributive* " justice and "*commutative* " justice . Commutative justice gives equal rights to everyone without exception, while distributive justice is a concept of justice that gives portions according to their achievements to everyone. Therefore, the concept of distributive justice is a concept of justice that is proportional, because it gives each person according to their respective portions.

Commutative justice gives the same amount to everyone, without discriminating between their achievements, in this case related to the role of exchanging goods and services.[6] If the concept of justice is applied, what happens is injustice and not justice, because people who have contributed and those who have not served receive the same rights, of course this will hurt the sense of justice in society.

Distributive justice, according to Aristotle , focuses on distribution, honor, wealth and other goods that can be equally obtained in society. Leaving aside the mathematical "proofs", it is clear that what Aristotle had in mind was the distribution of wealth and other valuables , based on the prevailing values among citizens. A fair distribution may be a distribution that is in accordance with its good value, namely its value for society."

Distributive justice is distinct from commutative justice, which accords everyone the same standard of justice regardless of merit or level of service. According to Plato, since justice is connected to people's interests and those of their country, then when the government or authorities have the power to enact laws, those laws will only be deemed fair if they result in a stable society and bring happiness to all. If the public believes that the law is fair, the law will encourage them to support and abide by the laws or regulations that are relevant to them.

On the other hand, if the law is felt to be unfair, the people will feel their sense of justice is injured and this will certainly affect their obedience to the law in question. Injustice can lead to people's apathy and indifference to laws, and when this happens, as a result of injustice from a law, it will actually foster a responsive attitude of the people towards the government. In fact, it is very possible that there will be a tendency for the people to reject the authorities, or it can even reduce the credibility of the government in the eyes of its people.

Another opinion from Aristotle , justice will be achieved if: *first*, a person obeys the

applicable legal norms; and *secondly*, a person may not take more than he is entitled to, so that justice means '*equal rights*'. [7] No one should be treated differently from another in terms of their rights, regardless of their social, economic, or educational background. If there is inequality in acceptance, it is regarded as not being in accordance with the feeling of fairness that exists in society. Equality is defined as equal or equality, which indicates that there are equal rights from one community to another and from one individual to another.

Jeremy Bentham, thinker and philosopher, conveyed his thoughts that justice is based on the maximum satisfaction of using goods for a community, so that *the greatest happiness of the greatest number will be obtained*. Justice will only be felt fairly, when justice provides economic satisfaction to society. Thus, Jeremy Bentham's theory of justice focuses on the economic aspect, meaning that something will be useful if it is able to provide economic benefits to people.

The theory of justice from Jeremy Bentham, related to '*happiness*' as a measure of fairness and injustice, received criticism from John Rawls. John Rawls states that happiness cannot be used as a parameter for obeying legal rules or norms, not everyone who has obtained pleasure makes someone obey the law. Happiness is *utopian* and relative, meaning that happiness is always side by side with unhappiness. A doctor is happy, but that happiness comes from suffering, that is, a patient who is sick, meaning that the doctor's economic enjoyment comes from a patient who is suffering from illness. [8]

Such a controversial phenomenon is unable to answer and explain the nature of justice. In addition, the concept of justice according to Jeremy Bentham is pseudo, and very subjective, what is felt happy by a person or group of people is not necessarily felt the same by another person or group of people. Furthermore, John Rawls stated that there are two concepts of justice, which according to him are good, namely *first, each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others; and secondly, social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all*. [9]

In accordance with Jeremy Bentham's utilitarian teachings, justice is if it gives pleasure ('*convenience*') to a person or group of people, continued by John Stuart Mill and David Hume, who in their teachings stated that happiness ('*happiness*') is a principle for measuring legal justice. To realize happiness, other legal institutions must be measured how far the law provides benefits to society.

Furthermore, John Stuart Mill also stated that: "...and *the test of what laws there ought to be, and what laws ought to be, was utility*". A statutory regulation can only be implemented properly if it is fair. Justice is not just a moral demand, but factually characterizes the law. Justice does not only lie in the mind that is in the realm of mirages, but must materialize in real life through rules or norms of behavior through products of laws and regulations. invitation. [10]

Based on the opinion put forward by Thomas Aquinas, John Rawls stated that: "government policies and legal policies must be distributed proportionally on the basis of human dignity and worth in order to realize the general welfare". This thinking is based on the assumption that the will of the party authorized to make laws is not the exclusive basis of a legal order. The principle of justice is not only concerned with fair procedures; but also must contain substantive justice. This means that justice must really be in accordance with real reality and can be enjoyed by those who really have to accept it.

The essence of justice according to Hans Kelsen that:

In accordance with the norms that live and develop in society. Norms that live and develop in society, not only legal norms but also other norms, such as religious norms, decency

and others. The purpose of these norms is to achieve happiness. Happiness in this concept is not just individual happiness but happiness for all humans or people.[11]

The positivist viewpoint of Hans Kelsen can be used to advance other theories of justice. Hans Kelsen acknowledged that truth can only emerge from natural law in his philosophical writings. Certain laws were developed by nature. Law is a set of precise rules that were created by the universe's Creator, not by human beings. His ideas on justice lead to a duality between positive law and natural law. According to Hans Kelsen, the dualism between positive law and natural law causes the characteristics of natural law to be almost the same as the metaphysical dualism of the world of reality and the world of ideas as proposed by Plato.

Central to Plato's philosophy was his doctrine of the world of ideas, which bears deep characteristics. [3]Plato distinguishes between the real, visible world that can be captured through the senses called reality. The reality of life can be sensed by every creature created by God, but on the other hand Plato states that there is a world that cannot be sensed by humans, namely the world of ideas or is a mirage of the indigent nature that is invisible and cannot be sensed by humans.

Conclusion

Based on the study of the issues raised above, it can be said that the pursuit of the essence of justice as one of the objectives of law places a significant emphasis on science philosophy. In their contemplation of the essence of justice or its ontological elements, as well as the method or epistemology of how to search and find the essence of justice, philosophers and thinkers in the subject of law are guided by the philosophy of science. Based on the results of the reflections of these philosophers, then found theories that can be used to understand and explain the nature of justice in accordance with what is expected by everyone as the goal of law.

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