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# The Principle of Justice Based on Pancasila in the Application of the Dismissal Process in Indonesian Civil Procedure Law

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## ABSTRACT

This article examines the principle of justice based on Pancasila as the philosophical foundation for the application of the dismissal process in Indonesian civil procedure law. The research method employed is normative legal research. The discussion traces the development of the concept of justice from various schools of Western, Eastern, and Islamic philosophy, as well as Indonesian legal thought, culminating in Pancasila-based justice as the national legal ideal. In civil procedure law, the dismissal process is understood as an initial mechanism to maintain a balance between access to justice for plaintiffs and the protection of defendants' rights from lawsuits that do not meet legal requirements. Its application must reflect humanistic values, equality before the law, and social justice, so that the dismissal process functions not only as an instrument of judicial efficiency but also as a means of realizing Pancasila justice.

## KEYWORDS

Pancasila  
Justice;  
Dismissal  
Process; Civil  
Procedure  
Law; Pancasila  
Legal Ideals;  
Substantive  
Justice



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## INTRODUCTION

The Republic of Indonesia is a nation founded on the principles of Pancasila, characterized by the rule of law, meaning that all exercise of power must always have a legal basis and remain within the boundaries established by law for the exercise of public power.<sup>1</sup> As a state governed by the rule of law (*rechtsstaat*), every action taken by the Indonesian government—including government agencies and institutions—as well as by all Indonesian citizens, must be based on the law.<sup>2</sup> For this reason, the concept of the Indonesian rule of law cannot be directly equated with the concept of the *rechtsstaat* in Continental European countries or the concept of the rule of law in Anglo-Saxon countries, without first understanding the elements and objectives of a state based on the rule of law.<sup>3</sup>

In this regard, Azhari emphasized that the meaning of the rule of law in Indonesia must be consistent with the state's own objectives, wherein the objectives of the Indonesian state, as outlined in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, include protecting the entire Indonesian nation and all Indonesian citizens, promoting the general welfare, enlightening the life of the nation, and participating in the maintenance of world order based on freedom, eternal peace, and social justice.<sup>4</sup> From the fourth paragraph, it can be understood that Indonesia, as a state governed by the rule of law, aims to create a just and prosperous society by applying the law—both written and unwritten—in accordance with the values of Pancasila and the principles of the rule of law.<sup>5</sup>

Furthermore, regarding the objectives of law enforcement, there are theoretically four objectives: justice, legal certainty, utility, and sustainability; however, most scholars agree that the primary objective of law enforcement is to achieve justice. Niels Anderson defines justice as the ideal in law by which judges are expected to be guided,<sup>6</sup> where the abstract concept of “justice” can only be understood in the context of the application of the law itself.<sup>7</sup>

From a linguistic etymological perspective, the word “*adil*” derives from the Arabic word “*adala*,” which means “middle” or “moderate.” The meaning of “*adala*” was later identified with “*washt*,” from which the word “*wasith*” is derived, meaning ‘mediator’ or “one who stands in the middle,” implying a fair attitude.<sup>8</sup> According to other definitions, justice (*iustitia*)—derived from the word “fair”—is defined as being impartial, unbiased, upholding what is right, appropriate, not arbitrary, and,

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<sup>1</sup> Bernard Arief Sidharta, *Refleksi tentang Struktur Ilmu Hukum: Sebuah Penelitian tentang Fundasi Kefilsafatan dan Sifat Keilmuan Ilmu Hukum sebagai Landasan Pengembangan Ilmu Hukum Nasional Indonesia*, 2d ed (Bandung: Mandar Maju, 2000).

<sup>2</sup> Ana Fauzia, Fathul Hamdani & Deva Gama Rizky Octavia, “The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law” (2021) 3:1 Progress Law Rev 12–25.

<sup>3</sup> Azhari, *Negara Hukum Indonesia* (Depok: UI Press, 1995).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Khadduri Majid, *The Islamic Conception of Justice* (London: The Johns Hopkins University Press, 1984).

<sup>7</sup> The Liang Gie, *Teori-Teori Keadilan* (Yogyakarta: Super Sukses, 1982).

<sup>8</sup> Majid, *supra* note 6.



in the sense of equality.<sup>9</sup> Meanwhile, in Black's Law Dictionary, justice is defined as the constant and continuous distribution of rights to everyone.

The concept of justice under Pancasila, as stated in Article 1(1) of Law No. 48 of 2009 on Judicial Power (hereinafter referred to as Law No. 48 of 2009), states that "Judicial Power is the independent state power to administer justice to uphold the law and justice based on Pancasila and the Constitution of the Republic of Indonesia".<sup>10</sup> Furthermore, Article 2(2) of Law No. 48 of 2009 also stipulates that "The state judiciary applies and enforces the law of justice based on Pancasila." The author believes that the concept of justice based on Pancasila is consistent with what Indonesian legal scholar Arif Sidharta has articulated regarding the concept of the Legal Ideals of Pancasila. Therefore, the author will trace and examine in greater detail the emergence of the Principle of Pancasila Justice, from the inception of the concept of justice to the development of the concept of justice based on Pancasila.

However, in the practice of the judicial system in Indonesia, particularly in civil procedure law, the application of the principle of justice based on Pancasila has not yet been fully and optimally reflected. One empirical issue that frequently arises is the practice of the dismissal process by court judges, namely, the mechanism of preliminary assessment of a complaint to determine whether or not a case may proceed to the main hearing. In practice, the dismissal process is often conducted in a highly formalistic manner, focusing solely on administrative and procedural aspects—such as the completeness of the formal requirements of the complaint—without adequately considering the substance of the civil rights of the disputing parties.

Such circumstances often raise issues of fairness for those seeking justice (litigants), as a lawsuit may be declared inadmissible (*niet ontvankelijk verklaard*) at an early stage, even though it substantively involves significant legal issues and concerns the protection of citizens' rights. Such a dismissal process has the potential to shift the judiciary's purpose from upholding substantive justice to merely enforcing procedural legal certainty. Consequently, the judiciary risks being perceived as an institution that prioritizes formal certainty over the living justice experienced by the public.

Therefore, the empirical issues surrounding the application of this dismissal process are relevant for examination within the framework of Indonesia's rule of law, which is grounded in Pancasila. A renewed understanding and reformulation are needed regarding how the dismissal process should be applied so as not to conflict with the legal ideals of Pancasila, particularly the principle of justice that places human beings, humanity, and social justice as the primary orientation of law enforcement. Thus, a study of the Pancasila principle of justice is essential as a philosophical and normative foundation for evaluating and guiding the practice of the dismissal process so that it aligns with the objectives of the judiciary within Indonesia's rule of law.

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<sup>9</sup> WJS Poerwadarminta, *Kamus Umum Bahasa Indonesia* (Jakarta: Balai Pustaka, 2003).

<sup>10</sup> Fathul Hamdani et al, "Arrangement of Judicial Power in Indonesia Through the Implementation of One-Stop Judicial Review at the Constitutional Court" (2024) 9:1 Tadulako Law Rev 336–342.



## METHOD

This article aims to examine the legal rules, legal doctrines, and legal principles related to the principle of justice based on Pancasila in the application of the dismissal process under Indonesian civil procedure law. This study employs a normative legal methodology. The approaches utilized are the statutory and conceptual approaches. The statutory approach is used to examine and analyze various regulations related to the legal issue under study.<sup>11</sup> Meanwhile, a conceptual approach was used to analyze the concepts, principles, and theoretical aspects relevant to this study. The method used to collect legal materials was a literature review, which included books, journals, and websites. The legal materials that were collected were then analyzed using qualitative descriptive analysis.

## RESULT & DISCUSSION

### I. The Principle of Justice in Western, Eastern, and Islamic Philosophy

#### a. The Principle of Justice in Western Philosophy

##### 1) Aristoteles (384–322 B.C.)

As the first philosopher to attempt to define the meaning of justice, he stated that justice is giving everyone their due, or “fiat justitia, pereat mundus.” Furthermore, Aristotle divided justice into two forms: first, distributive justice, which is determined and/or established by the lawmaker; its distribution encompasses merit, rights, and benefits for members of society according to the principle of proportional equality. This means that X and Y will have the same things if, and only if, X and Y themselves are equal. Aristotle refers to this as “geometric proportion.” Second, corrective justice, which ensures, oversees, and maintains distribution against illegal attacks.<sup>12</sup> But that’s not all; Aristotle also discusses commutative justice (reciprocal justice), which is found in exchange communities, as seen in the case of a farmer and a fisherman exchanging rice for fish.<sup>13</sup>

The concept of corrective justice as presented by Aristotle was adopted by the Ustinians, who held that justice is a policy that ensures everyone receives their due share. Furthermore, Herbert Spencer held the view that everyone is free to determine their own actions, provided they do not infringe upon the same freedom of others. Similarly, Hans Kelsen argued that justice is certainly employed in law, in terms of conformity with the law, such that what is just merely expresses a relative degree of conformity with a norm, since “just” is merely another word for “right”. This is because Hans Kelsen was a philosopher who held a legal positivist view.<sup>14</sup>

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<sup>11</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2012).

<sup>12</sup> Manullang E Fernando, *Menggapai Hukum Bekeadilan* (Jakarta: Kompas, 2007).

<sup>13</sup> Widodo Dwi Putro, *Filsafat Hukum: Pergulatan Filsafat Barat, Filsafat Timur, Filsafat Islam, Pemikiran Hukum Indonesia hingga Metajuridika di Metaverse* (Jakarta: Kencana Prenada Media Group, 2024).

<sup>14</sup> Abdul Gafur Ansori, *Filsafat Hukum Sejarah, Aliran dan Pemaknaan* (Yogyakarta: Universitas Gadjah Mada, 2006).



Commutative justice is reciprocal justice, which Aristotle referred to as “proportional reciprocity,” and is related to the community of exchange. Individuals will form a community of exchange only if the exchange is fair, and the exchange is possible only if the things being exchanged are in some way similar. Therefore, reciprocal justice requires that the things exchanged be treated in a “like-for-like” manner. Thus, if a housebuilder and a bedmaker exchange their products, and a house is five times more valuable than a bed, then five beds would be an equivalent exchange for one house.<sup>15</sup>

Justice, from the perspective of the philosophy of law, holds that the universe was created according to the principle of justice; thus, Stoicism, for example, posits a primary, universal natural law that states: “Give to each what is due to them (*unicuique suum tribuere*), and do no harm to anyone (*neminem laedere*).” In this regard, Cicero also stated that law and justice are not determined by human opinion, but by nature. Meanwhile, the legal positivist paradigm views justice as the goal of law. However, it is also fully recognized that the relativity of this justice often obscures another equally important element: legal certainty. The adage often repeated is “*suum jus, summa injuria, summa lex*”. Literally, this expression means that a harsh law will cause harm, unless justice can mitigate it.

2) St. Thomas Aquinas (1226-1274)

Thomas Aquinas was a medieval priest and is considered one of the proponents of natural law, who essentially sought to synthesize Aristotelian teachings with Church doctrine. This school of thought holds that universal and eternal laws originate from God, with sacred texts (such as the Bible) as their primary source. Much like Augustine, Aquinas consistently grounded the religious values of Christian teachings in his legal theory. This was also influenced by the circumstances of the time. Back then, society was dominated by Christianity. Consequently, Aquinas based his thinking on the foundations found within Christian teachings. According to Aquinas, reason takes precedence over the will. Reason enlightens, whereas the will tends to be instinctive. That is why law centered on *iustum* (justice) is absolutely a product of reason. This is what leads many to believe that Aquinas had a tendency to argue as if natural law were already a sufficient framework for creating human law or positive law.

According to Thomas Aquinas, justice is classified into three main types: (i) *Iustitia distributiva*, or distributive justice, which is based on the principle of proportionality—that is, treating individuals according to their circumstances and contributions, treating equals equally, and treating unequals unequally, a concept known as geometric equality. (ii) *Iustitia commutativa* or commutative justice, which relates to the principle of arithmetic balance in reciprocal relationships, particularly in the context of correcting actions that deviate from the law. (iii) *Iustitia legalis* or legal justice, which emphasizes compliance with the law as a manifestation of good conduct in general. For Aquinas, legal justice is a reflection of general justice. This principle forms the basis of his thinking on various issues such as the

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<sup>15</sup> Putro, *supra* note 13.



concept of “fair price,” property rights, protection of local production, and his views on slavery. However, he emphasizes that all such practices must be free from economic exploitation and remain grounded in the principle of natural justice.<sup>16</sup>

3) Immanuel Kant (1724-1804)

Immanuel Kant was a German philosopher who can also be considered the leading figure in the more rational branch of natural law theory. Although his thought was also influenced by empiricism, he began with the fundamental premise that experience is certainly decisive, as it profoundly shapes and determines understanding. However, experience is not, in essence, the most important factor, because it is influenced by perceptions formed by the mind. This is because humans do not actually have direct access to reality, except through the contributions of the mind. Although at the same time, there is a fundamental difference between Kant, who initially viewed reason more dogmatically, and later became more critical. His philosophical teachings are considered critical philosophy because they are fundamentally built on a distinction from dogmatism.<sup>17</sup>

Kant states that humans are rational beings. Therefore, humans must uphold moral values. This is where the Categorical Imperative comes into play: through the principle of (freedom of) autonomy, every person must be able to restrain all their evil inclinations—such as lying, making false promises, slandering, distorting the truth, and using others as a means to an end. Ethics and morality are the essential foundations of integrity, requiring no justification for the choices they entail. In Kant’s terms, these are principles that should universally be upheld. This is what is categorized as deontological philosophy.

Immanuel Kant closely linked the concept of justice to the principles of universal morality and rationality. In his moral philosophy, Kant asserted that justice is not merely a matter of the outcomes or consequences of an action, but rather concerns the moral duty that every individual, without exception, must adhere to. Justice, according to Kant, stems from what he calls the categorical imperative, namely the moral principle stating that one must act only according to a maxim that can be made into a universal law. From this, justice becomes a principle demanding equal treatment for every individual as a rational and autonomous being.

4) John Rawls (1921-2002)

Rawls’ theory of justice seeks to integrate the liberal concept of political obligations with the redistributive concept of social justice. For Rawls, the theory he proposes is based on several key foundational elements: First, the social contract. The contract he refers to is neither overt nor covert, but rather a hypothetical construct that determines justice within the context of a social order to realize the goals of justice in a state. In this concept, Rawls appears to synthesize theories from Hobbes, Locke, and Rousseau. Second, the original position. This serves as a kind of ideal of a just social order,

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<sup>16</sup> Zainal Arifin Mochtar & Eddy OS Hiariej, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas, dan Filsafat Hukum* (Depok: Rajawali Press, 2023).

<sup>17</sup> Putro, *supra* note 13.



shaped by actual social conditions and grounded in the rationality required for a social order acceptable to all. Here, Rawls appears to employ Kant's concept of the categorical imperative. This is further explained by Karen Lebacqz, who notes that Rawls's "justice as fairness" is rooted in two sources: the social contract theories of Locke and Rousseau, and Kant's deontology. The basic idea is very simple, though the mechanics of the theory are highly complex. Rawls aims to use the concept of the social contract to provide a procedural interpretation of Kant's concept of autonomous choice as the basis for ethical principles. The principles of justice (and moral philosophy in general) are the result of rational choices.<sup>18</sup> Both are rooted in the concept of individualism, supplemented by two complementary principles in their perspective on a just society.

Rawls's theory of justice takes the basic structure of society as its primary subject. This social structure already encompasses various social positions. By establishing fundamental conditions, it ensures equality of the original positions between representatives and those they represent. From this, a bond is formed between them—what might be called a social contract—such as to determine the form of social cooperation they will enter into and the form of government to be established. From John Rawls' perspective, it is clear that the value of justice is non-negotiable and must be realized within society without sacrificing the interests of other members of society, even if doing so is necessary to avoid greater injustice. The principle of justice, according to John Rawls, is the fulfillment of equal rights to basic freedoms (equal liberties). Economic and social differences must be regulated so that a positive condition arises—namely, the creation of the maximum reasonable benefit for everyone, including the disadvantaged (*maximum minimorum*)—thereby establishing what is known as justice for all. In John Rawls's view of the concept of the "original position," there are key principles of justice, including the principle of equality—that is, everyone is equal in terms of universal, essential, and compatible freedoms—and the principle of inequality based on the social and economic needs of each individual. Meanwhile, Rawls interprets the concept of the "veil of ignorance" to mean that everyone is confronted with a complete lack of knowledge regarding all facts and circumstances about themselves—including their social position and specific doctrines—thereby obscuring any emerging concepts or knowledge of justice.

## **b. The Principle of Justice in Eastern Philosophy**

### **1) Lao Tzu (6th century B.C.)**

Lao Tzu (老子) is a key figure in Taoist philosophy and the author of the \*Tao Te Ching\* (道德经), a classic masterpiece on the Way and its Power, known in English as "The Way of Heaven" or "The Way of Nature." Lao Tzu offers the 106 chapters of the Tao Te Ching as fundamental principles for individual behavior, guidelines for politics, and a guide for civilization in general. Although it may seem "outdated," Lao Tzu attempts to introduce

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<sup>18</sup> Mochtar & Hiarij, *supra* note 16.



readers to a completely different and ‘newer’ aspect—a “Way” (The Way) he calls “wu wei” (无为). Wu wei is actually (almost) impossible to translate precisely, given the complexity of the concept. However, at the very least, it can be translated into English (in a way that comes closest to its meaning) as “effortless action.” To illustrate the concept of wu wei, Lao Tzu refers to “Heaven” or “the Celestial Realm.” Heaven is viewed as a role model for the application of the concept of wu wei, because the “Way of Heaven” makes no effort, yet it is certain to prevail; it speaks not, yet it is certain to provide an answer; it gives no signal, yet things come to it of their own accord. Heaven’s net is vast: its mesh is indeed wide, yet nothing escapes it. Another role model that Lao Tzu also refers to is water. Lao Tzu elaborates on this in the Tao Te Ching, Chapter 78.<sup>19</sup>

Taoism emphasizes universal balance through non-coercion and moderation. In this context, distributive justice can be understood more broadly as humanity’s effort to maintain social harmony—a principle aligned with the Tao as the path of balance and natural order. Aristotle’s theory of justice and Lao Tzu’s philosophy both underscore that justice is not merely about rules or sanctions, but rather about creating a harmonious way of life—both among people and with nature as a whole. Like the philosophy of water, which refers to the nature of water—gentle yet capable of overcoming the strong and shattering the hard—Lao Tzu advocates that a leader should position themselves in a humble place, yet remain strong, just as water is capable of shattering even the hardest rock.

2) Konfucius (722-481 B.C.)

Confucius, known in Chinese as 孔夫子 (K’ung Fu Tzu) or 孔子 (K’ung Tzu), was born in Ch’ang P’ing (長平), a small village in the state of Lu (1), in the southeastern part of Shandong Province (山东), in 551 BCE. Unfortunately, Confucius’s birth was not particularly well-received at the time because, when he was only three years old, his father, Shu Liang Ho (叔梁紇), had already passed away. Confucius’s mother, Yen Cheng Tsai (颜征在), became the figure who accompanied Confucius as he navigated a world that was so impoverished yet burning with a passion for learning. It was this growing passion for learning that was reflected in the saying, “Hsüeh pu ssu. Chiao pu chüan” (学不死。教不倦; Learning knows no death. Teaching knows no fatigue). Not only that, but the young Confucius was known to deeply respect the ancient laws of China. Confucius married at the age of 19, specifically in 533 BC, to a woman named Ch’i Kuan (亓官), though they eventually divorced.<sup>20</sup>

Confucius taught about law and morality. In essence, humans are born with a good nature, or at the very least, humans rationally possess the ability to accept and learn what is good. By instilling moral values (through li), individuals will be accepted as part of society. Moral values can keep people

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<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*



from inappropriate behavior, given the tendency within humans to act inappropriately. Law (*fa*) can only be used to punish individual perpetrators who have committed crimes.<sup>21</sup>

By emphasizing the duties of each individual in society, Confucius was actually teaching *yi* (a sense of justice), that is, the way things ought to be. Confucius distinguished between the foundations of moral and immoral actions. Moral actions are based on *yi*, not on *li* (利, self-interest). For Confucius, the rule of law applicable to everyone is to treat others as we wish to be treated. *Yi* in Confucian teachings refers to moral justice or righteousness—that is, acting rightly in accordance with ethical norms, not merely following legal rules. Confucius emphasized that law (*fa*, 法) must be grounded in morality. If the law is enforced without morality (*ren*, 仁, and *li*, 礼), then society will become fearful, not conscious. Thus, *Yi* becomes the moral principle that governs how a person makes fair decisions based on their social role, responsibilities, and concrete situations. In this context, justice is not merely a formal result, but concerns ethical awareness in acting for the common good.

3) Maharsi Aksapada Gotama (4th century B.C.)

Nyaya (Sanskrit) is one of the schools of Hindu philosophy. The Nyaya school was founded by Maharsi Aksapada Gotama, who compiled the Nyayasutra, consisting of five adhyayas (chapters) divided into five padas (sections). The word Nyaya means analytical and critical inquiry. This school is based on the science of logic and is systematic, chronological, and analytical.<sup>22</sup>

Nyāya philosophy is best known for its emphasis on reasoning and epistemology; consequently, its view of law focuses on logical and ethical principles. Although Nyāya philosophy does not fully develop a comprehensive normative theory as found in modern ethics or legal philosophy, it emphasizes the importance of logical principles in attaining true knowledge. Reasoning that conforms to the rules of logic is considered the norm for reaching valid and reliable conclusions. This is Nyāya philosophy's epistemological commitment to realism—specifically, that knowledge always deals with objects.<sup>23</sup>

The Nyaya philosophy is one of the six orthodox Indian philosophical systems (*ṣaḍdarśana*) and is known as a system of logic and epistemology. However, Nyaya concepts also touch on aspects of ethics and justice, as the ultimate goal of Nyaya is the attainment of moksha (liberation), which can only be achieved through correct knowledge (*pramā*) and correct conduct. In the Nyaya system, justice (though not always explicitly termed as such as in Western philosophy) is achieved through the application of rationality and fair judgment of human actions based on objective truth and universal morality. Justice within the Nyaya framework involves three elements: correct knowledge (*pramāṇa*), rational evaluation of actions, and the

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<sup>21</sup> *Ibid.*

<sup>22</sup> Sumarto, *Belajar di India: Catatan Pengalaman Kegiatan Community Outreach dari DIKTIS Kementerian Agama RI* (Literasiolog, 2020).

<sup>23</sup> Putro, *supra* note 13.



restoration of harmony in the event of a violation of norms through law and moral correction. Thus, the Nyaya philosophical system of Maharsi Gotama emphasizes justice as the result of rationality, truth, and ethical balance.

4) Nagarjuna (2-3 B.C.)

Nagarjuna was a renowned Indian Buddhist philosopher who is believed to have lived between the 1st and 2nd centuries CE. He is regarded as the founder of the Mādhyamaka school within Mahayana Buddhism and is also referred to as the “Second Buddha” in the Mahayana tradition. Nagarjuna is famous for his work, the \*Mūlamadhyamaka-kārika\*, which discusses the concept of “emptiness” (sunyata) and the importance of understanding the impermanent nature of all things. Nagarjuna (नागार्जुन), whose thinking was ahead of his time. In fact, his thoughts on “sunyata” remain relevant to this day. He lived around the 2nd to 3rd centuries CE and is considered one of the leading figures of the Madhyamaka (माध्यमिक) school within the Mahayana Buddhist tradition (Mahayana). His famous work, the \*Mūlamadhyamakakārikā\* (Mūlamadhyamakakārikā), serves as the theoretical foundation for the Madhyamaka school.<sup>24</sup> Nagarjuna contributed to the development and refinement of the concept of sunyata (शून्यता) or “emptiness” in Buddhist philosophy. He emphasized the nature of “sunyata”—that nothing exists independently of all phenomena—and criticized extreme or absolutist thinking to achieve a deeper understanding of reality.

Nagarjuna developed the concept of dependent origination, which is based on the Buddha’s teachings, by linking it to the teaching of emptiness or the absence of an inherent self in all phenomena.<sup>189</sup> According to Nagarjuna, all phenomena arise conditionally and lack inherent existence or independent being. Nagarjuna’s thought on dependent origination states that all phenomena, including individuals and the physical world, arise from a collection of factors and causes that are interdependent. No phenomenon can exist independently or separately from other conditions. Therefore, no entity or substance is permanent or irreplaceable within or outside of oneself.<sup>25</sup>

In a legal context, the concept of law is closely linked to the understanding of sunyata (emptiness) and the principles of dependent origination. Thus, there is no such thing as an absolute or essential law. This perspective, which views law as non-absolute, allows for law to be independent on the one hand, while simultaneously dependent on non-legal factors on the other. Law is, to a certain degree, autonomous, semi-autonomous, heteronomous, and semi-heteronomous. This means that legal systems sometimes compete with one another, negotiate with one another, but are also interdependent or influence one another (interdependence, interfaces) across various legal systems. The interactions between these legal systems are complex and therefore unpredictable.<sup>26</sup>

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*



### c. The Principle of Justice in Islamic Philosophy

#### 1) Al-Kindi (806–875 CE)

Al-Kindi, also known as Alkindus, whose full name was Abu Yusuf Ya'qub ibn Ishaq ibn Shabbah ibn Imran ibn Ismail Al-Ash'ats ibn Qais Al-Kindi, was born in Kufa, in present-day Iraq, in 801 CE, during the reign of Caliph Harun al-Rashid (786–809 CE) of the Abbasid Dynasty (750–1258 CE). The name Al-Kindi itself is derived from his ancestral clan or tribe, one of the major tribes of the pre-Islamic era. According to Faud Ahwani, Al-Kindi was born into a noble, educated, and wealthy family. Ismail Al-Ash'ats ibn Qais, his great-grandfather, had embraced Islam during the time of the Prophet and became a companion of the Messenger. They later moved to Kufa. In Kufa, Al-Kindi's father, Ishaq ibn Shabbah, served as governor during the reigns of Caliph Al-Mahdi (775–785 CE), Hadi (785–876 CE), and Harun Al-Rashid (786–909 CE), during the Abbasid Caliphate (750–1258 CE). His father died when Al-Kindi was still a child.<sup>27</sup>

Philosophy, according to Al-Kindi, is the limit of human knowledge regarding the essence of reality. The purpose of philosophy, in theory, is to discover the truth, and in practice, is to put truth and virtue into action. The most noble and exalted philosophy is the first philosophy (God), which is the cause (*'illah*) of every truth or reality. Therefore, the most perfect and noble philosopher must be able to attain that noble knowledge. Knowing the *'illah* is more noble than knowing its effect (*ma'mul*), because we only know something perfectly when we know its *'illah*. Knowledge of the first *'illah* is the knowledge that encompasses all other aspects of philosophy. He, the first *'illah*, God, is the most noble, the origin of all kinds, the beginning in the scientific order, and precedes time, for He is the *'illah* of time.

Al-Kindi's attempt to integrate religion and philosophy was based on the belief that the Holy Qur'an had presented convincing arguments regarding the nature of truth that would never contradict the doctrines derived from philosophy. However, the process of integrating religion and philosophy could not be achieved without acknowledging the existence of a shared methodological foundation for both. For Al-Kindi, the fact that philosophy relies on the power of reason (rationality) is no different from the fact that religious doctrine also requires reason as a tool for understanding its teachings. This means that Al-Kindi held reason in high regard by maximizing its use in the pursuit of knowledge of the truth.<sup>28</sup>

Although he frequently referred to Aristotle, Al-Kindi did not limit the role of philosophy to abstract thought alone. As a devout Muslim, he believed in the vital role of philosophy in complementing religion. The truth sought by philosophers is no different from the truth conveyed by the prophets to humanity. The truth conveyed by "the Prophet Muhammad, peace be upon him, who spoke the truth and received it from Allah," for Al-Kindi, could be proven through rational foundations.<sup>29</sup>

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<sup>27</sup> Abubakar Madani, "Pemikiran Filsafat Al-Kindi" (2015) 19:2 J Lentera 107.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*



2) Al-Farabi (870-950 CE)

Al-Farabi was born in Farab, Kazakhstan, in 872 to a father of Persian descent and a mother of Turkish heritage. Al-Farabi holds a very special place among Muslim philosophers. Indeed, his ideas continue to inspire other Peripatetic philosophers. Massignon praised al-Farabi as the first Muslim thinker whose every sentence is meaningful. In fact, Ibn Khulkan praised him as a Muslim philosopher whose scholarly stature is unmatched.<sup>30</sup> He successfully reconstructed the framework of Logic (*manthiq*) first established by Aristotle. While Aristotle is credited with introducing the science of logic (*manthiq*) and is known as the “first teacher,” al-Farabi, for his great contribution in synthesizing the philosophies of Plato and Aristotle, is rightly called the second teacher (*al-mu’alim ats-tsāni*).

According to al-Farabi, philosophy is defined as *al-‘ilm bi al-maujūdāt bi māhiya al-maujūdāt*—the science that investigates the true nature of all that exists, including the unveiling of the metaphysical mystery of creation.<sup>31</sup> Al-Farabi articulated his philosophical ideas on creation in his work *Ārā’ Ahl al-Madīnah al-Fadhīlah*, which begins with a discussion of God as the first cause, demonstrating his commitment to lifting the veil of darkness from metaphysical philosophy. According to him, God is the first cause of all beings in this universe, consistent with the Aristotelian conception of God: that God is the Living One, eternal and everlasting, with nothing preceding Him and nothing succeeding Him; He does not require a will that originates from a choice, for God is perfect.<sup>32</sup> He doesn’t believe that God simply decided to create the universe out of the blue, because that would imply that God—who is eternal and unchanging—suddenly transformed.<sup>33</sup>

Aristotle’s concept of distributive justice, when viewed alongside Al-Farabi’s thought, reveals a profound similarity in their understanding of justice as a principle governing social order and the common good. Al-Farabi, a Muslim philosopher deeply influenced by Aristotle, also emphasized the importance of social justice in creating an ideal society. For Al-Farabi, justice is not merely about fair distribution, but also concerns the social harmony achieved when every individual fulfills their role optimally according to their capacity, whether in the intellectual, moral, or social spheres.

3) Ibn Rusyd (1126-1198)

One of the “enlighteners” in Islamic philosophy was Ibn Rusyd. Ibn Rusyd was a Muslim philosopher, scholar, and judge who lived in the 12th century CE. He was born in 1126 in Córdoba, al-Andalus (now Spain), and died in 1198 in Morocco. Ibn Rusyd grew up in a distinguished family with a strong scholarly tradition. His father and grandfather had served as chief judges in Andalusia. He himself held several positions, including qadi (judge) in Seville and qadi al-quḍlat (chief judge) in Cordoba. From a young age, he studied the Qur’an, tafsir, Hadith, fiqh, and Arabic literature. As an adult, he

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<sup>30</sup> M Wiyono, “Pemikiran Filsafat Al-Farabi” (2016) 18:1 J Subst 67.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*



focused more on scholarly development by delving into philosophy, mathematics, physics, astronomy, logic, and medicine.<sup>34</sup>

His contributions to the philosophy of law are of great significance. Ibn Rushd wrote a philosophical work titled *Al-Muqaddimah al-Mumahidah* (Prolegomena), in which he discusses concepts such as the state, justice, and leadership. He was a philosopher, a physician, and also served as a judge, playing a significant role in the judicial system of the region where he lived. Although he was a renowned figure of his time, Ibn Rushd was known for his great simplicity during his lifetime. Like other Muslim philosophers, Ibn Rushd defended philosophy, which at that time was accused of being misleading and a threat to faith. For example, Ibn Rushd's role in his book *Tahafut al-Tahafut* (تهافت التهافت The Incoherence of the Incoherence), as a rebuttal to al-Ghazali's work *Tahafut al-Falasifah* (تهافت الفلاسفة The Incoherence of the Philosophers), which declared the philosophers to be heretics.

## II. The Principle of Justice in the Thought of Indonesian Legal Thinkers

### a. Bernard Arief Sidharta (1938-2015)

Bernard Arief Sidharta, better known as "Arief Sidharta" or "Prof. Arief," was born in Garut on October 8, 1938, under the childhood name Tjie Tek Tjoan. Arief is the son of Mr. Sunarya and Mrs. Senang. Like most Chinese families in Indonesia who were born and settled in rural areas or small towns, they practically preferred to use the local language as their everyday language. Arief Sidharta actually only officially began using his name in 1967.

The French Revolution marked the fragmentation of the universal character of legal science. Consequently, dogmatic legal science has since developed independently within the national frameworks of each country. This is what motivated Arief Sidharta to propose the concept of Indonesian national legal science. In his dissertation titled "Indonesian Legal Science: An Effort to Develop a Systematic Legal Science Responsive to Social Change," Arief Sidharta responds to legal maneuvers he views as unsavory over the past ten years, reinforced by complaints from his close friends.<sup>35</sup>

According to Arief, Indonesian legal science is a field of law capable of guiding Indonesia toward becoming a constitutional state grounded in the legal principles of Pancasila. His enthusiasm for this idea is reflected in several of his works, such as *Philosophy and Ideology of Pancasila* (1994), *Philosophy of Indonesian Law* (unpublished), and his involvement in editing the anthology by Soediman Kartohadiprodo (Pancasila as the Worldview of the Indonesian Nation). In fact, it was his deep commitment to Pancasila that sowed the seed of his dream that a Pancasila-based rule of law state would emerge in the 21st century—a state characterized by democracy and prosperity.<sup>36</sup>

According to Arief Sidharta, the legal principles of Pancasila are centered on: (1) Belief in One Supreme God; (2) respect for human dignity; (3) a national

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<sup>34</sup> Putro, *supra* note 13.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*



perspective and an archipelagic perspective; (4) equality and equity; (5) social justice; (6) noble morals and ethics; (7) participation and transparency in the public decision-making process. He acknowledges these seven formulations as the essence of Soediman's thought. As for the legal objectives based on the legal ideals of Pancasila, they are to protect humanity by preventing arbitrary actions, namely through the realization of: (1) order and regularity that foster predictability; (2) peaceful tranquility; (3) justice (distributive, commutative, vindicative, protective); (4) welfare and social justice; and (5) the cultivation of noble character based on belief in the One Supreme God.<sup>37</sup>

In Aristotle's view, justice is not understood as absolute equality, but rather as the distribution of rewards commensurate with an individual's merit and contributions within a specific social structure. This principle holds strong relevance when linked to the concept of the legal ideal of Pancasila as developed by Arief Sidharta, who situates law within the philosophical and ideological framework of Pancasila—that is, as a living and evolving system of values within Indonesian society. According to Arief Sidharta, the legal ideal of Pancasila contains a normative-ethical dimension that does not merely function as positive law but must serve as an expression of noble values that uphold humanity, social justice, and a balance between individual and collective interests. In this context, Aristotle's principle of distributive justice provides a theoretical foundation aligned with progressive Indonesian legal thought, where justice is not merely understood as procedural justice but also as substantive justice that addresses the real needs of society. Arief Sidharta emphasizes that the law must reflect the value structure within society and stand with the vulnerable in order to realize a just and civilized social order.

### III. The Principle of Justice Based on Pancasila

Based on the historical perspectives of the figures mentioned above—specifically Arief Sidharta's view—justice is seen as the legal ideal of Pancasila. When considered in relation to Pancasila's concept of justice, it becomes clear that the ideal or objective of Indonesia's rule of law is to deliver justice in accordance with Pancasila. Pancasila, as enshrined in the preamble of the Constitution of the Unitary State of the Republic of Indonesia—namely, the 1945 Constitution—serves as the state's legal-constitutional foundation. It functions as a fundamental, binding, and imperative national principle that compels all Indonesian citizens to faithfully uphold, pass on, develop, and preserve the values of Pancasila. Furthermore, Pancasila is one of the four pillars of national and state life, alongside the 1945 Constitution, the Unitary State of the Republic of Indonesia, and *Bhinneka Tunggal Ika*.<sup>38</sup> Therefore, all norms and laws in force in Indonesia must be rooted in and consistent with the values embodied in Pancasila (fundamental norm).<sup>39</sup>

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<sup>37</sup> *Ibid.*

<sup>38</sup> Majelis Permusyawaratan Rakyat Republik Indonesia, *Ketetapan MPR RI Nomor 1/MPR/2003, Sekretaris Jenderal MPR RI* (Jakarta, 2011).

<sup>39</sup> Faizal Kurniawan, *Perkembangan Hukum Perikatan: Doktrin Unjustified Enrichment sebagai Dasar Tuntutan Ganti Rugi untuk Mewujudkan Keadilan Berperikatan* (Malang: Cita Intrans Selaras, 2017).



The concept of justice under Pancasila, as stated in Article 1(1) of Law No. 48 of 2009 on Judicial Power (hereinafter referred to as Law No. 48 of 2009), states that "Judicial Power is the independent state power to administer justice to uphold the law and justice based on Pancasila and the Constitution of the Republic of Indonesia." Furthermore, the provisions of Article 2(2) of Law No. 48 of 2009 also stipulate that "The state judiciary applies and upholds the law and justice based on Pancasila".

The flexible and adaptable nature of Pancasila allows it to offer values of justice that are in harmony with legal reforms in Indonesia.<sup>40</sup> One perspective on each principle of Pancasila and its relationship to justice is expressed by Franz Magnis Suseno as follows:<sup>41</sup>

- a. **Belief in One Supreme God:** This first principle emphasizes that people must live in accordance with their conscience, have faith, and be devout toward the One Supreme God. In the teachings of all religions, God requires people to treat others fairly as part of a harmonious relationship.
- b. **Just and Civilized Humanity:** This second principle underscores the importance of justice in human relations as the foundation of a humane attitude. Justice is a fundamental requirement for maintaining healthy relationships, demanding respect for the dignity of every individual regardless of gender, ethnicity, religion, social status, race, or other differences.
- c. **Indonesian unity, the unity of the nation,** can only be achieved if it is based on justice, which means rejecting all forms of discrimination that could undermine the unity of the nation.
- d. **Democracy Led by the Wisdom of Deliberation and Representation:** This principle affirms that the sovereignty of the people is the embodiment of justice implemented within a democratic system. Every citizen has the right to participate in deliberations to determine the direction of our shared life.
- e. **Social Justice for All Indonesians:** The fifth principle refers to the creation of conditions in which all people enjoy justice in various aspects of life, including political, economic, social, cultural, and ideological spheres.

Based on the explanation above, it can be seen that the difference between Pancasila justice and legal justice lies in the status of Pancasila justice as a moral value and a value of justice that functions as a legal principle. These legal principles serve as guidelines in the formulation of laws and are applied within society as legal rules. The characteristics of Pancasila justice are the values of justice contained within Pancasila as the principles or foundations for forming laws, which, in essence, aim to achieve justice. When viewed from the perspective of the philosophy of law, the law contains several values that serve as its foundation; thus, the values or foundations of the law are those derived from Pancasila.<sup>42</sup> Thus, it can be concluded that legal justice ultimately derives from the justice of Pancasila itself, since Pancasila is the source of all sources of law.

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<sup>40</sup> Muhammad Yustino Aribawa et al, "Unraveling the Ratio Legis of the HKPD Law on Local Taxes and its Implications for the Community" (2025) 1:1 Soetomo Justice 32-41.

<sup>41</sup> Surajiyo, "Keadilan dalam Sistem Hukum Pancasila" (2018) 2:3 IKRAITH Hum.

<sup>42</sup> Agus Sunoto & Wahyu Widodo, "Nilai-Nilai Hak Asasi Manusia dan Keadilan di dalam Hukum" (2011) 1:1 J PPKn FPIPS IKIP PGRI Semarang.



Based on Franz Magnis Suseno's explanation, it can be concluded that the concept of justice in Pancasila is rooted in the values embodied in each of its principles, namely:<sup>43</sup>

- a. Justice Based on Belief in the One and Only God is justice grounded in divine values that uphold the principle of justice derived from God. Thus, Pancasila justice acknowledges and respects the religions and beliefs held by every individual.
- b. Human Rights-Centered Justice: justice that treats every individual as a social being, ensuring that their rights are protected and respected fairly.
- c. Justice in National Unity and Solidarity: justice that prioritizes harmony and togetherness, creating conditions conducive to the well-being of all citizens while upholding the value of unity for the sake of shared justice.
- d. Justice through the Democratic Process: In a democratic context, justice is achieved through deliberation and consensus, ensuring that every citizen has an equal opportunity to voice their opinions and participate in decision-making for the common good.
- e. Social Justice for All Indonesians refers to justice that emphasizes equal rights for all citizens in various aspects of life, including economic, social, and cultural spheres, so that every individual can enjoy equitable justice without discrimination.

The context of law enforcement is an effort to achieve substantive justice and procedural justice.<sup>44</sup> Therefore, the administration of the judiciary—in terms of both procedural aspects and the substance of judicial decisions—must embody and give concrete expression to the values of justice as enshrined in Pancasila, namely justice that treats people with humanity by balancing the fundamental values of the divine (moral-religious), humanity (humanistic), and society (nationalistic, democratic, and social justice).<sup>45</sup>

For this reason, to achieve the justice of Pancasila—which calls for both corrective and distributive justice—every judicial decision must be enforceable to grant rights to the entitled parties in accordance with the proportions established in the decision, thereby preventing suffering, loss, and pain for others. Justice is the condition of moral ideal truth regarding a matter, whether concerning objects or people. According to most theories, justice holds great significance. John Rawls, an American philosopher considered one of the leading political philosophers of the 20th century, stated that “Justice is the first virtue of social institutions, just as truth is of systems of thought.”<sup>46</sup> However, according to most theories as well, justice has not yet been achieved, as the saying goes, “We do not live in a just world.”<sup>47</sup> Most people believe that injustice must be opposed and punished, and many social and political movements around the world are fighting to uphold justice. However, the sheer number and variety of theories of justice suggest that it is unclear what is

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<sup>43</sup> Ferry Irawan Febriansyah, “Keadilan Berdasarkan Pancasila sebagai Dasar Filosofis dan Ideologis Bangsa” (2017) 13 DiH J Ilmu Huk.

<sup>44</sup> Bambang Sutiyoso, *Reformasi Keadilan dan Penegakan Hukum di Indonesia* (Yogyakarta: UII Press, 2010).

<sup>45</sup> Siti Malikhatus Badriah, *Penemuan Hukum dalam Konteks Pencarian Keadilan* (Semarang: Badan Penerbit UNDIP, 2010).

<sup>46</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1995).

<sup>47</sup> Thomas Nagel, *The Problem of Global Justice* (Philosophy and Public Affairs, 2005).



demanded of justice and the reality of injustice, because the definition of justice itself is unclear. At its core, justice is about putting everything in its proper place.<sup>48</sup>

In the context of civil procedure law in Indonesia, the principle of justice enshrined in Pancasila plays a crucial role. The dismissal of a lawsuit at the early stages of a trial is a mechanism designed to maintain a balance between the plaintiff's rights and the defendant's interests, in accordance with the values of Pancasila as the foundation of the nation's ideology and legal system. Justice is a fundamental value mandated by Pancasila as the foundation of the Indonesian state. In civil procedure law, the dismissal process plays a vital role in maintaining a balance between judicial efficiency and the rights of the parties involved. This process serves as an initial mechanism to screen out claims that do not meet legal requirements—both formal and substantive—in order to uphold the integrity of the judicial system.<sup>49</sup>

Pancasila, particularly the second and fifth principles, embodies the values and objectives of the State to establish justice within the context of communal life. The meaning of the second and fifth principles encompasses the concept of justice as a value, which must certainly be realized in communal life. This justice is grounded in and inspired by the essence of social justice—that is, justice in the relationship between a person and themselves, between people and their fellow human beings, between people and their nation and state, and finally, between people and their God.

The second principle, which emphasizes just and civilized humanity, requires that the dismissal process be understood in terms of equality consistent with Aristotle's views. This is done without depriving the plaintiff of their rights, while upholding the fundamental human right to justice, which implies that all Indonesian citizens receive equal treatment in the pursuit of justice. Meanwhile, the fifth principle mandates that social justice must be reflected in the fair treatment of all parties in court. As the state ideology, Pancasila mandates social justice for all Indonesian citizens, as stated in the fifth principle. This serves as a guideline that the legal system must maintain a balance between the rights of individuals and those of others. In the dismissal process, the Court is responsible for ensuring that the filed lawsuit meets formal requirements, so as not to cause harm to other parties by filing a lawsuit without a valid basis. Thus, this process helps prevent the court from handling cases that lack a clear legal basis. Justice in dismissal must also reflect the principles of simple, swift, cost-effective, and conclusive adjudication, as stipulated in Article 2(4) of Law No. 48 of 2009. This simple principle aligns with the ideals of distributive and retributive justice, in which the rights of each party are respected without sacrificing the interests of others.<sup>50</sup>

In the dismissal process, the justice sought is justice that does not cause harm to other parties as a result of a lawsuit that does not meet formal requirements. Furthermore, the justice sought by the Court is the realization of a judicial system

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<sup>48</sup> Wikipedia Indonesia, "Keadilan", (2024), online: <<http://id.wikipedia.org>>.

<sup>49</sup> Syahransyah, "Pertanggungjawaban Hakim terhadap Putusan yang Salah Akibat Keterangan Palsu" (2019) 5:3 J Pionir LPPM Univ Asahan.

<sup>50</sup> Seftia Azrianti & Tuti Herningtyas, "Prosedur Beracara di Peradilan Tata Usaha Negara menurut Undang-Undang Nomor 5 Tahun 1986 Jo. Undang-Undang Nomor 51 Tahun 2009 tentang Peradilan Tata Usaha Negara" (2021) 3:1 PETITA 82–95.



that is swift, simple, and cost-effective. It is also important to ensure that the dismissal process does not become a tool that restricts public access to justice. As a manifestation of respect for human rights, including the right to file a lawsuit, the decision to dismiss a lawsuit must be based on clear and objective grounds. In this way, perceptions of injustice can be avoided, and the public retains trust in the legal system. On the other hand, dismissal must also protect the defendant's interests from baseless lawsuits, which can impose financial and psychological burdens. This protection aligns with the third principle of Pancasila—the unity of Indonesia—which emphasizes the importance of harmony in social relations. Nevertheless, the implementation of the dismissal process in practice often faces criticism, particularly regarding the balance between procedural and substantive justice. Criticism often arises that decisions in the dismissal process are sometimes made hastily and that Article 62 of Law No. 5 of 1986 is too readily invoked to dismiss claims. Therefore, enhancing judicial competence and reforming civil procedure are necessary to achieve a more inclusive form of justice.<sup>51</sup>

The mechanism for challenging a dismissal ruling is also a crucial factor in ensuring justice. The appeal process allows for the correction of errors or mistakes in the initial ruling, in line with the values of Pancasila, which uphold truth and justice. Appeals in the dismissal process aim to provide an opportunity for parties who feel aggrieved by a dismissal decision to correct errors in the application of the law or procedures by the presiding judge. This also aims to ensure that the right to justice remains guaranteed for all parties. Overall, the relationship between Pancasila and the dismissal process in civil procedure law, which will be examined in this dissertation, lies in the effort to maintain a balance between individual rights and the public interest. By making Pancasila the philosophical foundation, the dismissal process can serve as an appropriate legal tool to realize comprehensive and sustainable justice.<sup>52</sup> The dismissal process demonstrates the existence of guarantees and legal certainty regarding rights; furthermore, anyone who resolves an administrative dispute through a trial in the Administrative Court has a fundamental right to defend interests that have been harmed by the government, in accordance with the Administrative Court Decision.

Ongoing oversight, training, and evaluation are necessary to ensure that every dismissal decision truly reflects the principles of justice that are deeply rooted in Indonesian society based on Pancasila. Thus, justice grounded in Pancasila provides a strong foundation for the development of a civil procedure system that is simpler, faster, more comprehensive, and aligned with the needs of society—one that does not consume excessive time and resources. These principles of justice must continue to serve as the primary guide in strengthening the national legal system.

## CONCLUSION

The concept of justice in Pancasila, particularly the fifth principle, is a synthesis of various philosophical traditions from around the world. Aristotle defined justice as the proportional allocation of rights through distributive and corrective justice,

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<sup>51</sup> Tri Mulyani, Sukimin & Wahyu Satria Wana Putra Wijaya, "Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasis Nilai Keadilan Pancasila" (2022) 10:1 J Ilm Galuh Justisi.

<sup>52</sup> Dezonda R Pattipawae, "Fungsi Pemeriksaan Dismissal dalam Peradilan Tata Usaha Negara" (2014) 20:1 SASI.



which aligns with the state's goal of achieving equity and correcting social inequalities. Modern Western tradition enriches this idea through Aquinas with natural law, Rawls with justice as fairness that favors the vulnerable, and Kant, who emphasizes human dignity as a moral end. From Eastern philosophy, Nyaya emphasizes the importance of rationality and proof in justice, while Nagarjuna views justice as a contextual relational principle. Islamic philosophy, through Al-Kindi, Al-Farabi, and Ibn Rushd, positions justice as a rational-spiritual virtue realized through law for the common good. In Indonesian legal thought, Bernard Arief Sidharta asserts that Pancasila justice is a legal ideal that is ethical, humanistic, and contextual. Thus, Pancasila justice is not merely a legal norm, but a value of life that serves as the moral and philosophical foundation for Indonesia's legal and social order.

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