

CRITICISING THE POLITICAL SYSTEM AND THE NORMATIVITY FOUNDATIONS THROUGH JOSEPH RAZ'S LEGAL AND PHILOSOPHICAL THOUGHT

Artha Debora Silalahi

Faculty of Philosophy, Universitas Gadjah Mada, Yogyakarta, Indonesia.
arthadeborasilalahi@mail.ugm.ac.id

Abstract

This article explores constitutional legitimacy through the legal and philosophical lens of Joseph Raz, focusing on the dynamic relationship between political systems, normative reasoning, and public justification. Raz contends that legal authority cannot rely solely on institutional power or formal procedures; it must be supported by reasons that individuals can endorse as morally and rationally acceptable. This insight is especially relevant to constitutional interpretation, where judges must navigate between textual fidelity, evolving democratic norms, and political pressures. Divided into four key discussions, the article first traces the foundations of Raz's legal philosophy and its political context. Then, it examines the political system, public reason, and judicial interpretation in Raz's framework. The third section focuses on the normativity foundations in Raz's legal and political philosophy landscape. Finally, the article applies these insights to the Indonesian context, where constitutional judging faces challenges from politicized reason justification. Using a philosophical-legal method, this article argues that a Razian approach can help preserve public trust and legal legitimacy by grounding judges to act not only with legal precision but also with ethical discernment, civic responsibility, and publicly justifiable norms rather than in institutional dominance.

Keywords: *Joseph Raz, Constitutional Legitimacy, Public Reason, Political System, Normativity Foundations.*

MENGKRITISI SISTEM POLITIK DAN PONDASI NORMATIVITAS MELALUI PEMIKIRAN HUKUM DAN FILSAFAT JOSEPH RAZ

Intisari

Artikel ini menyajikan analisis tentang legitimasi konstitusi melalui pendekatan hukum dan filsafat Joseph Raz, dengan menyoroti hubungan antara sistem politik, alasan normatif, dan pembenaran publik. Raz berpendapat bahwa otoritas hukum tidak dapat semata-mata didasarkan pada kekuasaan institusional atau prosedur formal, melainkan harus dibangun atas dasar alasan yang dapat diterima secara moral dan rasional oleh masyarakat. Pandangan ini sangat relevan dalam praktik interpretasi konstitusi, khususnya di negara seperti Indonesia, di mana tekanan politik kerap memengaruhi proses pengambilan keputusan yudisial. Artikel ini terbagi dalam empat bagian utama. Bagian pertama membahas dasar-dasar filsafat hukum Raz dan konteks politiknya. Bagian kedua mengkaji konsep sistem politik, nalar publik, and interpretasi yudisial dalam kerangka pemikiran filosofis Raz. Bagian ketiga mengulas fondasi normativitas dalam acuan pemikiran filsafat hukum dan politik Raz. Bagian keempat menerapkan pemikiran Raz untuk menelaah situasi Indonesia, di mana penegakan konstitusi menghadapi ragam tantangan yaitu justifikasi alasan yang dipolitisasi. Dengan menggunakan metode penelitian filsafat dalam kerangka *philosophical-legal*, artikel ini menunjukkan bahwa pendekatan Raz dapat membantu menjaga kepercayaan publik dan legitimasi hukum dengan membumikan hakim harus bertindak tidak hanya berdasarkan presisi hukum tetapi dengan kearifan etis, tanggung jawab sipil, dan norma-norma yang dapat dibenarkan secara publik daripada dalam dominasi kelembagaan.

Kata Kunci: *Joseph Raz, Legitimasi Konstitusi, Alasan Publik, Sistem Politik, Pondasi Normativitas.*

A. Introduction

In the modern political system, the constitution has a major role as the foundation that regulates the structure of government, the interaction between state institutions, and the rights and obligations of citizens. However, the application of the constitution does not solely depend on the written normative provisions, but also on how the authorized institutions interpret and enforce the law. The interpretation of the constitution is a key factor in determining the direction of a country's policy, because through this process, the law can be adjusted to social changes, political dynamics, and economic developments that occur in a sustainable manner. A more comprehensive understanding of the maintained system in politics known as a political system and legal system framework based on Joseph Raz's thoughts, will provide new insights in designing policies and regulations that are not only legally valid, but can be questioned and explored in its moral and political legitimacy. Therefore, this article is relevant in criticizing and describing the political systems that are not legal *strictu sensu*. The political systems are prevalent in a legal discourse about the legal system. Additionally, prevalent in the view of methods, they establish the understanding of the pre-existing moral standards and imposing duties and rights which do not exist without the law.

Joseph Raz, as an English thinker of legal philosophy, including political philosophy, emphasized that law is a standard set by the political community through institutionalized rules. These are the social rules that exist only when there are institutions designed to ensure conformity to the rules. In Raz's perspective, the law is coercive, which means that its enforcement depends on the existing political reality as well as on how the law is accepted and implemented by society. Raz emphasized that the law serves to provide a better reason to act than the individual's own judgment. However, in a political system based on the public interest, there is a problem where the law and the constitution are often controlled by the dominant group. Criticism of Raz's view is that he does not adequately consider how legal authority can be used as a tool for certain political interests, thus creating a gap between legal ideals and political reality.

Law serves as the institutionalization of communication procedures that allow the participation of citizens in the formation of political opinions and

aspirations. Democracy ideally guarantees the right of citizens to express their interests and needs in the political system without fear, because these rights are legally guaranteed. However, political reality shows that the practice of democracy often depends on the political realities as a necessary implication of the very idea of someone making law. Making law is an intentional activity; one does not make law except through acts committed in the knowledge, and one cannot make law intentionally if one is totally in the dark as to which law one is making.¹ Thus, the main challenge in modern democracy is not only to ensure that there are legal guarantees for the political rights of citizens, but also to encourage the implementation of a more substantial democracy, where people's aspirations are truly the basis for the political decision-making process. An ideal democracy can lose its way when political control is concentrated in the hands of a ruling group and public input is ignored.

Political knowledge possessed by citizens is an important aspect that needs to be directed through the delivery of information and messages by politicians. An approach that places citizens as voters allows them to express their opinions and aspirations.² Joseph Raz's philosophical views make specific reference to the Indonesian political-legal context. Raz asserted that authority in the legal framework must be justified through normative and moral reasons, not merely coercive power provides a compelling framework to analyze how law operates within the political system. Raz contends that legitimate legal authority must be justified not merely through coercive power or procedural compliance, but through morally and rationally acceptable reasons, which is what he calls normative justification.³ This insight becomes especially relevant in Indonesia to analyse how the constitution can either support or undermine legal legitimacy, depending on how it interacts with political authority and normative justification. The central aim of this study is to analyze how political institutions influence the formation of normative standards, how legal authority coexists with individual freedom, and how constitutional judging can be grounded in public reason. By applying Raz's

1 Joseph Raz, *Between Authority and Interpretation: On the Theory of Law and Practical Reason* (New York: Oxford University Press, 2009), 120.

2 Tom L. Beauchamp and Mark A. Box, eds., *David Hume Essays, Moral, Political and Literary: A Critical Edition*, vol. 2 (Oxford: Oxford University Press, 2021), 765.

3 Raymond Wacks, *Philosophy of Law: A Very Short Introduction* (New York: Oxford University Press, 2006).

thought, this article explores whether the law functions as an instrument of justified authority or as a tool of institutional dominance. By applying Raz's philosophy, the article reflects on how law can function as an instrument of authority within a political system, and whether it serves the public through justifiable reasons or merely reinforces power.

While numerous studies in Indonesia have addressed the standpoint of the legal and political system in the legalistic framework or political influence, few have analyzed this phenomenon through the lens of Raz's thought about normative justification and public reason of the political and legal system. Existing scholarship tends to separate legal formalism from political realism, whereas this article uses an integrated conceptual approach to evaluate the merits of thinking about the law and to make it more precise by explicating the features of the political and legal system. The novelty lies in the application of Raz's thought to evaluate the normative justification of rules as reasons for action and constitutional decisions as legally binding judgements that are often marked by moral pluralism and institutional fragility. This article employs a philosophical-legal method combining philosophical criticism with conceptual evaluation through data collection and categories relevant to both the formal and material objects of the research. The data collecting put the concern through determining the primary sources like as Raz's main writings and works with a focus on Joseph Raz's core works such as *Practical Reason and Norms*, *The Authority of Law: Essays on Law and Morality*, *The Concept of a Legal System: An Introduction to the Theory of Legal System*, and *Between Authority and Interpretation: On The Theory of Law and Practical Reason*, and the secondary sources comprise the jurisprudential commentaries about the political system and other relevant issues. The data categorization is based upon Raz's philosophical analysis of the political system and legal system as the formal object. This article analyzes several issues regarding the discourses on the role of political institutions in determining applicable normative standards. Other existing issues are how political legitimacy relates to public reasons and the implications of the undertaken public reasons within.

B. Foundations of Raz's Legal Philosophy and Its Political Context

Legal philosophers such as H.L.A. Hart have significantly shaped

the understanding of how norms function within social, institutional, and individual practices. Hart's analysis of social rules, particularly his distinction between primary and secondary rules, provides a foundational insight into how legal systems are rooted in shared societal practices.⁴ A norm, according to this view, becomes socially valid not merely through enforcement but because a substantial portion of the community recognizes and follows it as a standard of behaviour.⁵ This recognition is what gives a rule its social character. Building upon and critically engaging with Hart's work, Joseph Raz extends the discussion by linking the authority of law to its normative function within a political context. To understand Raz's legal philosophy, it is essential to firstly explore these conceptual foundations and how they interact with the political realities in which legal systems operate.

Law functions not merely as a tool for maintaining social order, but as a system of norms created and enforced by legitimate institutions within a political community. Its legitimacy depends not only on formal authority but also on its ethical foundation on whether legal decisions and policies align with values that society can accept as morally justifiable. Joseph Raz emphasizes this relationship between law and morality by arguing that legal authority must offer reasons that are both rational and morally acceptable, not just procedurally valid.⁶ A key strength of Raz's legal philosophy lies in his focus on authority as a necessary component of law. However, one of the critiques often directed at his work is that it tends to prioritize the top-down legitimacy of law from institutions to citizens, while giving less attention to public deliberation and democratic participation in shaping those laws.⁷ In the context of constitutional interpretation, this becomes especially relevant. If legal authority is exercised without grounding in shared moral values or without engaging the public in its justification, the law risks becoming disconnected from those it is meant to serve.⁸ Raz also acknowledges that

4 Joseph Raz, *Practical Reason and Norms* (Oxford: Oxford University Press, 1999), 81.

5 Raz, *Between Authority*.

6 Joseph Raz, *The Authority of Law: Essays on Law and Morality*, 2nd ed. (New York: Oxford University Press Inc. New York, 2009), 3–5.

7 Jeremy Waldron, "Normative (or Ethical) Positivism," in *Hart's Postscript: Essays on the Postscript to 'The Concept of Law'*, ed. Jules Coleman (New York: Oxford University Press, 2001), 410.

8 Raz, *Between Authority*.

historical context influences the legitimacy of legal systems. The development of legal institutions over time shapes public perceptions of authority and fairness.⁹ Thus, understanding constitutional legitimacy requires more than institutional analysis; it requires attention to how authority, morality, and historical practice interact.¹⁰

Legal institutions in Raz's thought have the goal of imposing and enforcing obligations to society, without considering the standards of freedom prescribed by law. Legal institutions can act on moral justification for their actions, which depends on the political conditions in society. Authorities in legal institutions place their responsibilities on the conviction that the actions carried out have moral justification or in other words moral justification.¹¹ Justification is used as a framework of reasons to justify actions that seem to be appropriate and are aimed at respecting the judicial process regulated in legal regulations.¹² The context of justification in this case can be seen as a series of reasons to provide instructions for the judge in formulating his decision and examining the adjudication process.¹³ This series of reasons also makes justification a framework of reasons that can be projected as an effort to produce a series of final statements in a decision.¹⁴

The principle of authority inherent in law can be studied through the philosophy of law, especially in relation to political obligations and the legitimacy of coercion, which requires every individual to be considered to know and obey the law. In this context, principles are not rules or norms, they are made individually or collectively and affect the duties, rights, and privileges of individuals.¹⁵ There are normative principles that determine when a rule or standard is binding.¹⁶ Normative principle refers to true general normative propositions that have the power to explain the phenomena they are about.¹⁷ It also reflects the political anatomy as a mechanism that validates

9 Raz, *Practical Reason*.

10 Nicos Stavropoulos, "Legal Interpretivism," *The Stanford Encyclopedia of Philosophy* (Spring 2021 Edition), 2018.

11 Raz, *Between Authority*.

12 Joseph Andy Hartanto, "The Philosophy of Legal Reason in Indonesian Law," *Beijing Law Review* 11, no. 1 (2020): 122–23.

13 Hartanto, "The Philosophy of Legal Reason."

14 Hartanto.

15 Joseph Raz, *The Roots of Normativity* (New York: Oxford University Press, 2022), 97.

16 Raz, *The Roots*.

17 Raz, *The Roots*.

binding rules that comes from the same source.¹⁸ Normative principles are truths about the relations they express and a source of duty about the relations between gratitude and duty.

Authorizations that emerge from political anatomy do not always have legitimacy, but instead follow patterns and logics aimed at maintaining the *status quo* of power.¹⁹ Each form of knowledge has a correlation with the object of authority, the relationship of which lies in the ability of knowledge to define reality. This ability can result in changes in the social constellation.²⁰ The quality of political life depends heavily on the dynamics between the exercise of authority and the experience of citizen's freedoms. The tension between these two aspects plays a role in determining the good or bad of a country and political life. When authority is absolute without regard for citizen's freedoms, this can lead to dictatorship.²¹ On the contrary, absolute freedom without the influence of authority has the potential to create anarchy.²²

Law is important to be understood as the legal institutionalization of communication procedures demanded by democratic principles. Law is a medium of democracy, namely a bridge between the informal formation of political opinions in the public sphere and the formal formation of political aspirations in the political system. Citizens need not be afraid to express their interests and needs, because their rights to participate in the process of forming opinions and aspirations democratically are legally guaranteed. The law establishes a political community, which in this case can be manifested in the form of a state. Concepts such as rights, duties, justice, power, and authority are central not only to legal theory, but also to ethical and political philosophy. Joseph Raz's legal philosophy is grounded in this shared conceptual space, particularly through the study of rules, authority, and normative systems. In Joseph Raz's legal philosophy, a legal system is understood not merely as a collection of rules, but as a structured and unified normative system that operates through legitimate authority. The legitimacy

18 Hartanto, "The Philosophy of Legal Reason."

19 Armada Riyanto, *Relasionalitas Filsafat Fondasi Interpretasi: Aku, Teks, Liyan, Fenomen* (Yogyakarta: PT Kanisius, 2018), 55.

20 Haryatmoko, *Etika Politik Dan Kekuasaan Favorit* (Jakarta: Kompas Penerbit Buku, 2015), 226.

21 Herry B. Priyono, *Kebebasan, Keadilan, Dan Kekuasaan: Filsafat Politik and What It Is All About* (Jakarta: Penerbit Buku Kompas, 2022), 106.

22 Priyono, *Kebebasan, Keadilan, Dan Kekuasaan*.

of a legal system depends on its ability to shape behavior through reasons that individuals have the moral and rational grounds to accept.²³

Therefore, the law not only serves as a tool to legitimize actions that are considered legitimate, but also recognizes the existence of individuals acting consciously in the legal system. With its normative nature, law has an internal relationship that connects various rules in a system. This shows that the law does not stand alone, but supports and influences each other in a systemic relationship. The legal system includes complex and structured theories regarding the moral rights that must be respected by each individual, as well as the obligations that are carried out intersubjectively in relationships between individuals.²⁴ Authority, therefore, must not rely solely on coercive power, but must be recognized by the people it governs and justified through binding, normatively acceptable regulations.²⁵ However, Raz critiques earlier accounts for failing to clearly distinguish between three key issues, such as what it means to be an authority, how authority is justified, and how one comes to hold authority. His work focuses primarily on the nature of authority itself.²⁶

According to Raz, a law's validity depends on its inclusion in a functioning legal system, recognized and practiced by a community.²⁷ Recognition, however, is not enough. Valid laws must also reflect deontological morality (*rights and duties*) and be compatible with teleological aims (*public good and outcomes*).²⁸ Therefore, constitutional adjudication must evaluate laws through both lenses, and analyze whether they uphold individual rights (*deontological*) and whether they contribute to collective welfare (*teleological*). Any praxis conflict relating to the reasons behind human actions always involves contradictory practical reasons, while also reflecting the values contained in the behaviour. There are patterns of behaviour that are regarded as unacceptable or acceptable in one society, whereas there is no more that they are so regarded by the people

23 Raz, *The Authority of Law*.

24 Virginia Held, *Rights and Goods Justifying Social Action* (Chicago: The University of Chicago Press, 1989), 123.

25 Raz, *Between Authority*.

26 Raz, *Between Authority*.

27 Raz, *Practical Reason*.

28 Jeremy Waldron, *Law and Disagreement* (Oxford University Press, 1999), 102–3, <https://doi.org/10.1093/acprof:oso/9780198262138.001.0001>.

whose behaviour is in question.²⁹ Raz emphasizes the connection between practical reasoning and value theory in the context of the rule of law. Raz's reflections on these various issues have led to debates about moral issues and political life that were often diametrically opposed in his political philosophy landscape. In this sense, Raz provides a framework where legal authority and moral justification are deeply connected. A law is binding not only because it was properly enacted but because it is embedded in a normative system that offers publicly justifiable reasons for obedience.³⁰ A legitimate legal system, then, is one that combines authority, moral integrity, and social recognition to regulate society through binding norms that are both accepted and justified. In the context of modern politics, the main challenge in maintaining harmony between authority and morality is to ensure that the law is not used as an oppressive tool of power, but as a mechanism that protects the fundamental rights of citizens. Therefore, the law must continue to be tested and evaluated in order to remain relevant to social dynamics and continue to function as an instrument that reflects the principles of morality and justice in the life of the state. The law serves as an instrument to get out of adverse political and economic conditions and as a tool to restructure the relationship between the state and society with a new moral foundation.³¹ This relationship is ideally no longer centered on political authority, which is often used by power holders to maintain their dominance without leaving room for criticism from the public.³²

Raz indicates that all the laws have the sources and that whose argument comes from the authority. The authority is based on the reason means the ability to change reasons for action and claims the authority as an essential feature of law that establishes the legitimate authority. It seems to the authoritative reasons as an exclusionary reason and excludes the possibility of the moral considerations. Society becomes subject to 'identified' authorities who concerned and recognise in the system for regulating and deciding. The unwillingness of 'identified' authorities in its political scope opens a space for critical discussion causing such authority can be seen as something sacred

29 Raz, *Between Authority*.

30 Joseph Raz, *The Morality of Freedom* (New York: Oxford University Press, 1986), 47–48.

31 Daniel S. Lev, *Hukum Dan Politik Di Indonesia: Kesenambungan Dan Perubahan* (Jakarta: LP3ES., 1990), 41.

32 Reza A.A Wattimena, *Filsafat Kata* (Jakarta: Evolitera, 2011), 355.

and cannot be challenged.³³ Law can be understood as an institution as well as a political myth whose existence is greatly influenced by the dynamics of political battles.

C. The Political System, Public Reason, and Judicial Interpretation in Raz's Legal and Political Philosophy

In Joseph Raz's legal and political thought, a legitimate political system must not only function through formal authority or institutional procedures, but it must also be grounded in public reason. For Raz, public reason is essential in ensuring that laws and political decisions are not arbitrary, but morally and rationally justifiable to all citizens.³⁴ In this sense, public reason acts as a filter through which state power is evaluated, ensuring that legal authority respects autonomy, fairness, and justice. Raz emphasizes that authority must provide "*exclusionary reasons*" for the action that is taken. There must be reasons strong enough to override personal judgment in favor of coordinated, legitimate governance.³⁵ However, authority is not self-justifying, as it gains legitimacy only when its directives are supported by reasons the public can accept. In a constitutional democracy, this includes laws that reflect ethical principles and promote justice.³⁶ In the Indonesian context, this insight is crucial. Political influence in judicial decisions can weaken constitutional legitimacy. Raz's framework suggests that judges, especially constitutional judges, must interpret laws not just legally, but ethically and epistemically. They must put reason in ways that reflect public moral values, not simply follow institutional texts or defer to political interests. Raz's idea of "epistemic responsibility" implies that good legal reasoning requires the judge to make decisions grounded in shared democratic principles and rational deliberation, not simply technical legality.³⁷

However, critics of Raz argue that authority underplays public deliberation and democratic participation. Raz focuses on the need for justifiable reasons, but does not fully explore how public reason is shaped through dialogue

33 James Rachels and Stuart Rachels, *Problems from Philosophy: An Introductory Text*, Fourth (Lanham: Rowman & Littlefield Publishers, 2021), 167.

34 Joseph Raz, "The Identity of Legal Systems," *California Law Review* 59, no. 3 (1971): 803.

35 Raz, *Between Authority*.

36 Raz, *The Morality*.

37 Raz, *Between Authority*.

between citizens and institutions, especially in pluralistic societies. Some argue that Raz does not go far enough in recognizing the law's potential as a critical tool to challenge political domination or to enhance participatory justice. The constitution not only functions as a written legal document, but also serves as a basic principle and as the main guideline for the implementation of the political system and government, as well as reflecting the values of political ethics that are the basis for decision-making. Judges are not merely law enforcers, they are moral agents who play a strategic role in balancing authority and freedom. They must ensure that constitutional interpretation upholds democratic legitimacy and reflects public values, especially in issues involving fundamental rights or public interests.

Raz highlights the significance of citizen participation in the political process as a means of enhancing legitimacy. When citizens are actively involved in governance, they are more likely to view the system as legitimate. Public participation in political and legal discourse is a crucial element in maintaining the balance of power and preventing abuse of authority. When the community is actively involved in overseeing the government process, the constitution is not only a formal legal instrument but also a reflection of collective aspirations and interests. Therefore, the constitution must be understood as a dynamic mechanism that continues to evolve along with social, political, and economic changes. Its existence as a basic rule in the political system requires a balance between legal stability and flexibility in facing the challenges of the times. Thus, the constitution can remain relevant and effective in maintaining democratic, fair, and people-oriented state governance.

In a country, natural liberty is transformed into civil liberty, where the people have certain rights and the supreme power is in their hands. This people's power is realized through a representative system based on the general will (*volonté générale*), which reflects the interests of the majority.³⁸ The concept of sovereignty, according to Rousseau, is populist and is realized through legislation. It has four main characteristics, which include, first, unity, which means that the general will of the people is a unit that has the right to rule

38 Alexander Passerin D'Entreves, *The Notion of the State: An Introduction to Political Theory* (London: Oxford University Press, 1967), 102.

without being subject to other powers.³⁹ Because the people are one, the state and its sovereignty are also one. Second, indivisibility, sovereignty cannot be separated into different powers, and third, it cannot change (*imprescriptible*) the rights inherent in the nation from generation to generation and cannot be abolished or changed.⁴⁰ Raz developed an original view of liberalism in his influential work, *The Morality of Freedom*. He put forward a theory of political morality that emphasized that laws and policies should reflect a vision of human goodness, with personal autonomy at the core of the matter. Raz places autonomy as an intrinsic value, that is, something valuable in itself.⁴¹ However, he emphasized that autonomy is only valuable if it is carried out morally. There is no value in using freedom for morally wrong actions.⁴²

A political system oriented to the public interest is based on the concept of public reason. In a democratic society, the idea of public reason is embodied in political forums that have a wide impact on society and are spread across various branches of power. Public reason acts as a limitation that reflects fundamental political values and determines how political relations are ideally built.⁴³ Political values and political relations lead to an understanding of the truth that is comprehensive and complete, not just thinking that is generally acceptable to every citizen under equal conditions and without intervention. Raz proposed the concept of moral rights that rejected the instrumentalist approach in the enforcement of a rule. Legal decision-making by constitutional judges does not only depend on legal authority, but also involves epistemic principles.

The role public reason in Raz's thought advocating and suggesting that legitimacy requires that political decisions be justified in terms that all citizens can accept, fostering a sense of shared legitimacy. Legal decisions are also often based on legal authority, where judges adhere to positive legal

39 Alexander P. Satola, "A Service Conception of Democratic Authority," *Res Publica*, 2025, 16, <https://doi.org/https://doi.org/10.1007/s11158-025-09706-1>.

40 D'Entreves, *The Notion of the State*.

41 Robert P. George, "Joseph Raz: Philosopher of Freedom," *Public Discourse: the Journal of the Witherspoon Institute*, 2022, <https://www.thepublicdiscourse.com/2022/06/83065/>, accessed on February 17, 2025.

42 George.

43 Indonesia Universitas Gadjah Mada and Mahkamah Konstitusi, *Proceeding Kongres Pancasila: Pancasila Dalam Berbagai Perspektif* (Jakarta: Sekretariat Jenderal dan Kepaniteraan, Mahkamah Konstitusi, 2009), 128–29.

doctrine that establishes that the constitution and laws are the primary source of authority in deciding a case (*closed system*), so that the judge's decision must remain within the juridical frame without expanding the interpretation beyond that established by a higher legal authority (such as the constitution or previous rulings). Judges not only enforce the rules rigidly, but also consider rationality, fairness, and social relevance in deciding cases. Thus, the epistemic principle becomes the foundation in supporting legal authority so that it does not become an absolute tool of power and does not consider moral and social aspects. Judges must consider ethical values and democratic principles in decision-making, especially in cases related to human rights and the public interest.⁴⁴ Legal decision-making by constitutional judges cannot be based solely on legal authority, but must also take into account the epistemic principles that allow rational reasoning in every decision.⁴⁵

Openness to political ideas should still be based on moral values that are fair. Indonesia's political dynamics reflect differences in orientation and actions that are often not in line with the principle of justice as the main pillar. Raz argues that a legitimate political system must strive to achieve justice for its citizens, thereby reinforcing its authority. Lack of understanding of the purpose of justice is one of the causes of the epistemic crisis or the inequality of public knowledge (*epistemic injustice*) in understanding law and politics. Increasingly widespread political hegemony is often controlled by short-term interest narratives, without considering broader and sustainable interests for society. In a political system based on the public interest, the law should not only be an instrument of authority, but also a mechanism for assessing and correcting public policies. Raz's thinking can be criticized for not adequately considering how law should serve as an evaluative tool against the legitimacy of authority. If the law is only seen as a tool to give individuals reasons to act, then the law risks losing its role as a tool to correct deviations in the political system.

An evaluative critique of the political system based on the public interest shows that the constitution must be understood as a living norm, not just as

44 Artha Debora Silalahi, "Comprehending the Epistemic Examination of the Final and Binding Principles in Indonesia's Constitutional Court," *Yustisia Tirtayasa : Jurnal Tugas Akhir*; Vol 4, No 4 (2024): Oct - Dec 2024, 2024, 43.

45 Silalahi, "Comprehending the Epistemic Examination."

a formal legal document. In this context, Raz's thinking can be criticized for not sufficiently considering how the law can be used as a tool of political domination, not providing enough space for public participation, and not explicitly placing the law as an evaluation mechanism for political policy. Therefore, a more critical approach to law and authority is needed for the political system to truly reflect the public interest substantively. For some circles, interest is considered a *raison d'être* in politics, where politics itself is understood as an arena for the fight of interests. Fighting for the interests of individuals and groups is the main motivation in politics, and this struggle ultimately puts these interests in a strategic position to influence public policy.

D. The Normative Foundations in Raz Legal and Political Philosophy: Its Concepts and Critics

In Joseph Raz's legal philosophy, interpretation is not merely a personal activity, but also involves institutional considerations. However, these institutional aspects do not determine which interpretation is "better" in a value-based sense instead. Instead, they provide the structural conditions under which legal interpretation operates. Raz connects these institutional roles to legal authority, where the legitimacy of law depends not only on coercive force, but on normative justification reasons that are morally and rationally acceptable within a political community. For Raz, the sustainability of a political community hinges on its member's willingness to accept legal standards as binding.⁴⁶ This acceptance is driven by intention, a form of practical reason that commits individuals to action based on normative grounds. In legal interpretation, especially constitutional interpretation, judges must weigh conflicting presuppositions and reconcile them with both institutional goals and the ethical foundations of the law.⁴⁷ The process is not purely technical, it involves evaluating whether laws reflect the shared moral values of society.⁴⁸

Intention is a practical reason that pushes a person to have no other

⁴⁶ Raz, *Between Authority*.

⁴⁷ Raz, *Between Authority*.

⁴⁸ Yeremias Jena, "Pemikiran Hannah Arendt Mengenai Kekerasan Dalam Kekuasaan," *Diskursus - Jurnal Filsafat Dan Teologi STF Driyarkara* 10, no. 2 SE-Articles (November 2011): 177.

reason to act, other than referring to the underlying reason of the intention.⁴⁹ The intention of the text creator and the legal system requires interpretation to balance different presuppositions when they are in conflict with one another.⁵⁰ In a normative perspective, intention serves as a reason for action that remains dependent on a decision. This decision serves as a guide formed by the state and is used as a normative rule. As a normative decision, the decision stipulates that every autonomous individual in a country act by referring to normative sources in the form of regulations. In the Indonesian context, this challenge is evident in how constitutional judges interpret laws shaped by political compromise. The law, as a product of political negotiation, may include moral tensions that judges must address through interpretation. Constitutional interpretation, therefore, is not just about reading legal texts in isolation. It must engage with broader philosophical and ethical considerations. The constitution functions not only as a formal legal framework but also as a reflection of justice, morality, and public values.⁵¹ Raz acknowledges the distinct but interconnected roles of law and morality. While they are not the same, legal legitimacy relies heavily on moral alignment. A law that fulfills institutional procedures but contradicts fundamental moral principles risks losing public trust and legitimacy.⁵²

Here, Raz's idea of law as a normative system is crucial. A legal rule gains legitimacy only if it is embedded in a coherent institutional framework and aligned with higher legal principles. This moves the conversation away from narrow formalism and toward a richer understanding of law as a living, evolving system rooted in public justification. Raz explores the complex relationship between law and morality, arguing that while they are distinct, they can influence each other in ways that affect the legitimacy of legal systems. Good law is not only one that fulfills legitimate institutional procedures, but also one that is aligned with widely recognized principles of ethics and justice. In Raz's philosophy, the constitution is not merely a formal legal instrument but also carries a moral dimension. Its legitimacy depends

49 Raz, *The Roots*.

50 E. Fernando M. Manullang, "Penafsiran Teleologis/Sosiologis, Penafsiran Purposive Dan Aharon Barak: Suatu Refleksi Kritis," *Veritas Et Justitia* 5, no. 2 (2019): 275.

51 Raz, *Between Authority*.

52 Raz, *Between Authority*.

on whether it reflects and upholds the core moral values of the legal system. For Raz, legal rules must be supported by reasons that individuals can morally accept, meaning that constitutional interpretation must align with principles of justice, fairness, and public reason not just procedural validity.

Moreover, the political role of judges must be carefully examined. While some parts of the Indonesian legal system still restrict judges from making progressive rulings, Raz's framework encourages them to act as rational agents who mediate between legal texts, moral reasoning, and societal values. Judicial interpretation, then, becomes an active process of creating meaning in ways that support both legal coherence and moral responsibility.⁵³ Raz in his normative point of views explain how legal systems maintain legitimacy over time. Laws are not just enforced rules; they are parts of a structured system of reasons. A law is valid not simply because it has been enacted, but because it contributes to a coherent legal system that is recognized by its community. This perspective is especially helpful in understanding the Indonesian legal system's complexity, where colonial legacies, evolving democratic norms, and institutional fragility all play a role.⁵⁴ The efforts of law enforcers, particularly judges, in interpreting the constitution aim to develop legal reasoning that bridges the gap between normative ideals and actual legal realities.⁵⁵

The constitutional interpretation must reconcile normative ideals with the practical demands of governance. Raz's emphasis on public justification and moral coherence offers a compelling foundation for evaluating whether constitutional law genuinely serves democratic society. Law is not only about structure and order, it is also about ethical purpose and social trust. Therefore, judges must engage not only with texts but with the broader values embedded in those texts. By refining the role of interpretation in this way, Raz helps us understand that the constitution is not static. It is a legal and moral document that must be interpreted dynamically to maintain its relevance and legitimacy in a changing society. This approach bridges the gap between legal authority and moral responsibility, offering a framework for constitutional law that is

⁵³ Raz, *Between Authority*.

⁵⁴ Raz, *Between Authority*.

⁵⁵ Artha Debora Silalahi, "Paradoks Ide Negara Hukum Dalam Justifikasi Filosofis Pancasila Sebagai Sumber Hukum," *Jurnal Konstitusi* 21, no. 1 (2024): 63, <https://doi.org/https://doi.org/10.31078/jk2114>.

principled, responsive, and just. One of the challenges that arises is how Raz emphasizes that the exercise of authority must be in accordance with moral standards and be able to resolve the conflict between authority and morality. This attachment depends not only on the enforceability of legislation, but also on the ability of legal theory to explain legal phenomena that practically and theoretically interact with each other and affect each other.⁵⁶

A philosophical approach to constitutional interpretation is becoming increasingly important, especially when faced with evolving social dynamics. By understanding the law not only as a normative device, but also as an entity that interacts with moral and social aspects, the interpretation of the constitution can be carried out more comprehensively and responsive to the needs of society. Law is understood in the framework of legal politics as a process of selecting and determining values that are the basis for legal reasoning activities. The pattern of legal reasoning generally focuses on the selection of relevant sources of law and rules to then identify the policies underlying those rules.⁵⁷ This process results in a coherent rule structure. The essence of law as an expression of humanity appears to manifest in the form of a set of statements that function as part of the language. Language plays an important role in forming agreements and conveying statements (*judgment*). These assumptions identify detailed statements in certain texts that are oriented towards challenging general assumptions to produce alternative interpretations.⁵⁸

In the legal context of Indonesia, the understanding of law as a result of the transplantation of colonial law does not automatically make judges or legal practitioners have contextual insight into existing legal texts.⁵⁹ Legal texts are deeply rooted in tradition and authority, which should not be seen as sources of conflict.⁶⁰ Instead, legal interpretation should not create

⁵⁶ Raz, *Between Authority*.

⁵⁷ Shidarta, *Hukum Penalaran Dan Penalaran Hukum: Buku 1 Akar Filosofis* (Yogyakarta: Genta Publishing, 2013), 271.

⁵⁸ E. Fernando M. Manullang, *Legisme, Legalitas, Dan Kepastian Hukum*, 2nd ed. (Jakarta: Prenadamedia Group, 2019), 27.

⁵⁹ Ani Purwanti, ed., *Konstruksi Hukum Dalam Perspektif Spiritual Pluralistik: Kumpulan Pemikiran Dalam Rangka Purnabakti Prof. Dr. Esmi Warassih Pujirahayu* (Semarang: Thafa Media, 2021), 883.

⁶⁰ Artha Debora Silalahi, "Some Debates of Hermeneutic and Legal Interpretation: Critical Analysis of Hans-Georg Gadamer Philosophical Hermeneutics," *Mimbar Hukum* 36, no. 1 SE-Articles (June 2024): 219, <https://doi.org/10.22146/mh.v36i1.9493>.

tension between what is familiar and what feels new within a text.⁶¹ Rather, it should be understood as an ongoing process of making sense of the law within a dynamic and evolving context.⁶² The system of judicial power in the constitution and some laws does not favor judges to progressively make decisions that come out of the law.⁶³ Judges are still not able to fully carry out their duties as agents of the content of the law, only playing a role in creating laws.⁶⁴ Judges should take a pragmatic approach by focusing on the outcomes of their rulings and aiming for decisions that foster societal well-being and practical advantages.⁶⁵ They must also ensure that their judgments uphold fundamental human rights and align with essential moral principles.⁶⁶

Raz's account of normative systems also contributes significantly to discussions of constitutional legitimacy. He sees legal systems not as arbitrary collections of rules, but as unified normative frameworks held together by logical and institutional coherence. A rule becomes a *legal rule only when it is part of an institutionalized legal system that is practiced and recognized by a specific community. This distinguishes legal rules from other kinds of rules such as social or moral norms which may exist independently of structured systems. Constitutional interpretation, therefore, must be viewed not only as a technical task but as a practice embedded within a legal system that reflects a shared normative order.* Raz's philosophy insists that legitimacy stems from the system's ability to offer justified and coordinated action based on rational and public reasoning.

E. The Future of Constitutional Judging in Indonesia: Applying Joseph Raz's Philosophical Thought

Evolving political dynamics have a significant impact on how the constitution is interpreted within a country. Joseph Raz's thinking about the

61 Silalahi, "Some Debates."

62 Silalahi, "Some Debates."

63 E Fernando M Manullang, "Anomali Seputar Yurisprudensi: Sebuah Telaah Arkeologis Foucauldian," *Mimbar Hukum* 36, no. 2 SE-Articles (December 2024): 382, <https://doi.org/10.22146/mh.v36i2.11994>.

64 Manullang, "Anomali Seputar."

65 Artha Debora Silalahi et al., "Axiological Insights into Unveiling Independent Constitutional Judge Decisionism," *Yustisia Jurnal Hukum* 13, no. 3 (2024): 233, <https://doi.org/https://doi.org/10.20961/yustisia.v13i3.85127>.

66 Silalahi et al., "Axiological Insights."

political system provides critical insight into how law and politics interact with each other, particularly in the context of legal authority and the legitimacy of power. In his view, Raz emphasized that the law cannot be separated from the political factors that surround it. The ruling political system is influential in shaping the understanding and application of the constitution, where the interpretation of the law is often influenced by dominant political interests. Therefore, constitutional law is not neutral, but rather the result of ongoing political dynamics. Politics is not based on morality or transcendental criteria, but rather emphasizes the understanding of strategy in the political process as part of historical praxis.⁶⁷ Political thought is closely related to the diversity of interests, conflicts, and power.⁶⁸ Diversity of interests arises because society consists of individuals and social groups with different backgrounds. In social structures and interactions, these differences in interests can trigger conflicts. Meanwhile, the main goal in politics is to obtain legitimated power, where the party in power has the authority to set the direction and general policy, both at the local and national levels.

A critical analysis of Raz's ideas shows that legal authority depends on the political system that supports it. The implication of this is that political change can lead to a reinterpretation of the constitution in accordance with the needs and interests of the ruling government. This raises fundamental questions about the extent to which the constitution can function as a stable instrument and whether or not it is easily influenced by short-term political interests. Thus, Joseph Raz's thinking provides the basis for a discussion of the relationship between law and politics, as well as how political dynamics can affect the interpretation of the constitution. A critical evaluation of this idea is important for understanding how the legal system can still maintain its legitimacy and authority amid political changes that are taking place. Raz argues that law and legal authority have a role to play in guiding individual actions based on the reasons given by those authorities. Raz argues that the legitimacy of authority emphasizes the justification of instructions to direct authoritative authority. The legitimacy of this authority is then used as a

⁶⁷ Haryatmoko, *Etika Politik*.

⁶⁸ Guglielmo Verdirame, "Human Rights in Political and Legal Theory," *King's College London Dickson Poon School of Law Legal Studies Research Paper Series Paper No.* (2013): 4.

conditioning of knowledge and conceptualization of limitations on the exercise of legitimated constitution.⁶⁹ His thinking about law is often associated with the service conception of authority approach, which emphasizes that law serves to provide reasons for individuals to act, replacing their own judgment under certain conditions. Recognizing authority is always linked to the belief that its directives are generally based on truth and reason rather than being arbitrary or irrational.⁷⁰

In the context of constitutional review, judges should view normative concepts as inherently open to question and interpretation.⁷¹ These concepts require a constructive approach to ensure their meaning aligns with constitutional principles and evolving legal understanding.⁷² In the Indonesian context, Raz's insights offer a valuable framework for understanding the role of the Constitutional Court in a politically plural society. The challenge lies in ensuring that legal interpretations especially those with constitutional weight are not merely reflections of institutional authority or political pressure, but are grounded in norms that the public can rationally and morally accept. Raz's thoughts pushes us to ask whether constitutional decisions provide exclusionary reasons that unify legal and political prediction in a legitimate way. This focus on normative justification is particularly vital in Indonesia, where judicial independence is often tested by political dynamics. By applying Raz's conceptual clarity and philosophical depth, Indonesia's constitutional system can aim toward a model of legal authority that is not only coherent but publicly justifiable and democratically accountable.

The legal system has a significant influence in representing the role of the constitution as a basic rule in the formation of political ethics.⁷³ Law has a role in rearranging the relationship between the state and society based on political morality. In practice, political authority is often used to maintain the *status quo* without giving room for public criticism. Therefore, social and political changes can affect the interpretation of laws and the implementation of public policies. Interpretation is justified to interpret the entire content of

69 Raz, *Between Authority*.

70 Silalahi, "Some Debates."

71 Silalahi, "Paradoks Ide Negara Hukum."

72 Silalahi, "Some Debates."

73 Bagir Manan and Susi Dwi Harijanti, *Memahami Konstitusi: Makna Dan Aktualisasi*, 2nd ed. (Jakarta: Rajawali Pers, 2015), 183–84.

the law in a legal system that has been recognized.⁷⁴ Such a condition is the starting point of the theory of interpretation that seems to be universally true. This theory raises further questions about the specific goals to be achieved in a very complex and diverse country.⁷⁵

The meaning of the constitution is not only reflected in normative legal texts, but also in constitutional norms that live in political and social practice. In the context of a public interest-based political system, constitutional norms play an important role in assessing the extent to which the system truly reflects the public interest or is merely a tool of political legitimacy. An evaluative critique of the public interest-based political system is necessary to ensure that the implementation of constitutional norms not only serves as a legal formality, but also truly reflects the principles of democracy, justice, and freedom. This evaluative criticism involves analysing whether the political system that claims to be based on the public interest is truly inclusive and representative or is actually a means of domination of certain groups. In practice, constitutions are often used to maintain the *status quo*, where those in power interpret constitutional norms selectively for their own political interests.

Therefore, an evaluative approach to the political system based on the public interest must consider whether the interpretation and implementation of the constitution is in accordance with the values of justice and the rights of citizens.⁷⁶ The value of justice focuses on the quality of the final result of a public decision, with an emphasis on respect for individual rights and freedoms as a fundamental principle of justice.⁷⁷ The consequence of the application of this principle of justice is that every decision taken by the authority that performs its duties and functions must be able to protect the rights and freedoms of individuals in society through the most morally acceptable means. Judicial decisions, especially in high-profile cases involving government actions, can sometimes be influenced by political interests. Judges must carefully balance these pressures while staying true to their ethical duty of applying the law fairly

74 Raz, *Between Authority*.

75 Raz, *Between Authority*.

76 David Miller, *Political Philosophy: A Very Short Introduction*, First (New York: Oxford University Press, 2003), 123.

77 Ronald Dworkin, ed., *The Philosophy of Law* (New York: Oxford University Press, 1977), 80.

and without bias.⁷⁸ When interpreting broad constitutional provisions, judge role extends beyond merely enforcing the law, they must also ensure that their decisions are morally sound, uphold principles of justice and fairness, and actively promote human rights.¹ Raz argues that political authority should not rest on coercion, but on the ability to offer reasons that people are willing to follow.² In a legitimate democracy, state power must reflect the people's will and function through constitutional mechanisms.³ Authority can meet the test of legitimacy by attempting to follow the right reason and emphasize the fact that the law is a means for deliberately moulding and fashioning individual conduct and social relations.⁴⁵

The idea of democracy is based on the principle that the sustainability of a country's democracy does not solely depend on various external aspects and the surrounding environment.⁶ A healthy democracy requires leadership focused not on political interests or power retention, but on justice, public welfare, and accountability. Democracy is closely related to law, power, and political communities, all of which interact with each other and continue to develop in the dynamics of modern society.⁷ Modern democracy is born from rationality, where the main goal is to rationalize power so that it can be controlled by the public. This control allows the realization of values such as freedom, equality, justice, and solidarity in social life politically.⁸ This rationality of power is reflected in various aspects of modern politics, such as democratic procedures, the rule of law, bureaucracy, electoral mechanisms, public control over policy transparency, and political discussions in public spaces.⁹

Democracy is often understood as a political system that is widely

78 Silalahi et al.

79 Raz, *Between Authority*.

80 Raz, *Between Authority*.

81 Raz, *Between Authority*.

82 Raz, *Between Authority*.

83 John Pitseys, "Publicity and Transparency: The Status of Representation and Political Visibility in Kelsen and Schmitt," *Revue Française de Science Politique (English Edition)* 66, no. 1 (2016): 121.

84 Pitseys, "Publicity and Transparency."

85 F. Budi Hardiman, *Demokrasi Dan Sentimentalis: Dari "Bangsa Setan-Setan", Radikalisme Agama Sampai Post-Sekularisme* (Yogyakarta: Penerbit PT Kanisius, 2017), 13.

86 Hardiman, *Demokrasi Dan Sentimentalis: Dari "Bangsa Setan-Setan", Radikalisme Agama Sampai Post-Sekularisme*.

embraced today. However, it is important to distinguish between democracy as a political system and democracy as a political *ethos*.¹⁰ Democracy must possess a certain set of attributes, in particular an implicit set of empirical and normative views about human nature, the process of history, and the socio-political structure.¹¹ Democracy has proven to be effective in upholding the principle of equality in diversity, giving equal rights to all citizens, regardless of class, gender, ethnicity, religion, or other identity differences, to participate and even lead.¹² The idea of democracy encompasses the basic values and principles reflected in the culture of the community, combining institutional and traditional aspects.¹³ On the one hand, democracy requires institutionalization to ensure the sustainability of its system, but on the other hand, it also needs traditions that support its implementation. Therefore, realizing an ideal democracy requires institutional reform as well as revitalization, reorientation, and even political culture reform so that democracy can develop more substantively and sustainably.¹⁴

F. Conclusion

The relationship between legal authority, political systems, and constitutional legitimacy has been analyzed through the lens of Joseph Raz's legal and philosophical theory. Raz's framework makes it clear that law should not be understood solely as a set of enforceable commands, but as a normative structure that must be justified through reasons that the public can accept both morally and rationally. According to Raz, authority is legitimate only when it provides reasons that exclude other considerations guiding conduct not by coercion, but through justified directives. The persistent tension between authority and individual freedom becomes especially evident when constitutional interpretation is influenced by political agendas. This issue is particularly significant in Indonesia, where the constitutional system is frequently challenged by politicized judicial practices and declining public

87 Hardiman, *Demokrasi*.

88 Roger Eatwell and Anthony Wright, "Contemporary Political Ideologies," in *Contemporary Political Ideologies*, ed. Roger Eatwell (New York: Routledge, 1991), 258.

89 F. Budi Hardiman, *Dalam Moncong Oligarki – Skandal Demokrasi Di Indonesia* (Yogyakarta: Kanisius, 2013), 57.

90 Jimly Asshiddiqie, *Hukum Tata Negara Dan Pilar-Pilar Demokrasi: Serpihan Pemikiran Hukum, Media, Dan HAM* (Jakarta: Konstitusi Press, 2005), 243.

91 Asshiddiqie, *Hukum Tata Negara*.

confidence. Raz's idea of public justification offers a valuable perspective for evaluating whether constitutional interpretation upholds democratic values or merely consolidates political power. A legitimate and responsive constitutional order must be rooted in inclusive, ethically grounded reasoning rather than in rigid legal formalism or unchecked institutional authority. Achieving this requires a legal and political culture that values transparency, public involvement, and critical reflection. Ultimately, Raz's philosophy underscores that legal legitimacy is not just a matter of institutional origin or procedural validity, but also of the law's capacity to reflect public reason and promote justice, autonomy, and the common good. Seen this way, constitutional law becomes more than a tool of governance, it serves as a foundation for democratic accountability and public trust.

BIBLIOGRAPHY

- Asshiddiqie, Jimly. *Hukum Tata Negara Dan Pilar-Pilar Demokrasi: Serpihan Pemikiran Hukum, Media, Dan HAM*. Jakarta: Konstitusi Press, 2005.
- Beauchamp, Tom L., and Mark A. Box, eds. *David Hume Essays, Moral, Political and Literary: A Critical Edition*. Vol. 2. Oxford: Oxford University Press, 2021.
- D'Entreves, Alexander Passerin. *The Notion of the State: An Introduction to Political Theory*. London: Oxford University Press, 1967.
- Dworkin, Ronald, ed. *The Philosophy of Law*. New York: Oxford University Press, 1977.
- Eatwell, Roger, and Anthony Wright. "Contemporary Political Ideologiae." In *Contemporary Political Ideologies*, edited by Roger Eatwell, 258. New York: Routledge, 1991.
- George, Robert P. "Joseph Raz: Philosopher of Freedom." Public Discourse: the Journal of the Witherspoon Institute, 2022.
- Hardiman, F. Budi. *Dalam Moncong Oligarki – Skandal Demokrasi Di Indonesia*. Yogyakarta: Kanisius, 2013.
- . *Demokrasi Dan Sentimentalis: Dari "Bangsa Setan-Setan", Radikalisme Agama Sampai Post-Sekularisme*. Yogyakarta: Penerbit PT Kanisius, 2017.
- Hartanto, Joseph Andy. "The Philosophy of Legal Reason in Indonesian Law." *Beijing Law Review* 11, no. 1 (2020): 119–27.
- Haryatmoko. *Etika Politik Dan Kekuasaan Favorit*. Jakarta: Kompas Penerbit Buku, 2015.
- Held, Virginia. *Rights and Goods Justifying Social Action*. Chicago: The University of Chicago Press, 1989.
- Jena, Yeremias. "Pemikiran Hannah Arendt Mengenai Kekerasan Dalam Kekuasaan." *Diskursus - Jurnal Filsafat Dan Teologi STF Driyarkara* 10, no. 2 SE-Articles (November 2011): 166–90.
- Lev, Daniel S. *Hukum Dan Politik Di Indonesia: Kesenambungan Dan Perubahan*. Jakarta: LP3ES., 1990.
- Manan, Bagir, and Susi Dwi Harijanti. *Memahami Konstitusi: Makna Dan Aktualisasi*. 2nd ed. Jakarta: Rajawali Pers, 2015.
- Manullang, E. Fernando M. *Legisme, Legalitas, Dan Kepastian Hukum*. 2nd ed. Jakarta: Prenadamedia Group, 2019.
- . "Penafsiran Teleologis/Sosiologis, Penafsiran Purposive Dan Aharon Barak: Suatu Refleksi Kritis." *Veritas Et Justitia* 5, no. 2 (2019): 262–85.
- Manullang, E Fernando M. "Anomali Seputar Yurisprudensi: Sebuah Telaah Arkeologis Foucauldian." *Mimbar Hukum* 36, no. 2 SE-Articles (December 2024). <https://doi.org/10.22146/mh.v36i2.11994>.
- Miller, David. *Political Philosophy: A Very Short Introduction*. First. New York: Oxford University Press, 2003.

- Pitseys, John. "Publicity and Transparency: The Status of Representation and Political Visibility in Kelsen and Schmitt." *Revue Française de Science Politique (English Edition)* 66, no. 1 (2016): 105–24.
- Priyono, Herry B. *Kebebasan, Keadilan, Dan Kekuasaan: Filsafat Politik and What It Is All About*. Jakarta: Penerbit Buku Kompas, 2022.
- Purwanti, Ani, ed. *Konstruksi Hukum Dalam Perspektif Spiritual Pluralistik: Kumpulan Pemikiran Dalam Rangka Purnabakti Prof. Dr. Esmi Warassih Pujirahayu*. Semarang: Thafa Media, 2021.
- Rachels, James, and Stuart Rachels. *Problems from Philosophy: An Introductory Text*. Fourth. Lanham: Rowman & Littlefield Publishers, 2021.
- Raz, Joseph. *Between Authority and Interpretation: On the Theory of Law and Practical Reason*. New York: Oxford University Press, 2009.
- . *Practical Reason and Norms*. Oxford: Oxford University Press, 1999.
- . *The Authority of Law: Essays on Law and Morality*. 2nd ed. New York: Oxford University Press Inc. New York, 2009.
- . "The Identity of Legal Systems." *California Law Review* 59, no. 3 (1971): 795–815.
- . *The Morality of Freedom*. New York: Oxford University Press, 1986.
- . *The Roots of Normativity*. New York: Oxford University Press, 2022.
- Riyanto, Armada. *Relasionalitas Filsafat Fondasi Interpretasi: Aku, Teks, Liyan, Fenomen*. Yogyakarta: PT Kanisius, 2018.
- Satola, Alexander P. "A Service Conception of Democratic Authority." *Res Publica*, 2025. <https://doi.org/https://doi.org/10.1007/s11158-025-09706-1>.
- Shidarta. *Hukum Penalaran Dan Penalaran Hukum: Buku 1 Akar Filosofis*. Yogyakarta: Genta Publishing, 2013.
- Silalahi, Artha Debora. "Comprehending the Epistemic Examination of the Final and Binding Principles in Indonesia's Constitutional Court." *Yustisia Tirtayasa : Jurnal Tugas Akhir; Vol 4, No 4 (2024): Oct - Dec 2024*, 2024.
- . "Paradoks Ide Negara Hukum Dalam Justifikasi Filosofis Pancasila Sebagai Sumber Hukum." *Jurnal Konstitusi* 21, no. 1 (2024): 62–76. <https://doi.org/https://doi.org/10.31078/jk2114>.
- . "Some Debates of Hermeneutic and Legal Interpretation: Critical Analysis of Hans-Georg Gadamer Philosophical Hermeneutics." *Mimbar Hukum* 36, no. 1 SE-Articles (June 2024). <https://doi.org/10.22146/mh.v36i1.9493>.
- Silalahi, Artha Debora, Rizal Mustansyir, Sindung Tjahyadi, Septiana Dwiputri, and Maharani. "Axiological Insights into Unveiling Independent Constitutional Judge Decisionism." *Yustisia Jurnal Hukum* 13, no. 3 (2024): 230–45. <https://doi.org/https://doi.org/10.20961/yustisia.v13i3.85127>.
- Stavropoulos, Nicos. "Legal Interpretivism." *The Stanford Encyclopedia of Philosophy* (Spring 2021 Edition), 2018.

- Universitas Gadjah Mada, Indonesia, and Mahkamah Konstitusi. Proceeding Kongres Pancasila: Pancasila Dalam Berbagai Perspektif. Jakarta: Sekretariat Jenderal dan Kepaniteraan, Mahkamah Konstitusi, 2009.
- Verdirame, Guglielmo. "Human Rights in Political and Legal Theory." King's College London Dickson Poon School of Law Legal Studies Research Paper Series Paper No. (2013).
- Wacks, Raymond. *Philosophy of Law: A Very Short Introduction*. New York: Oxford University Press, 2006.
- Waldron, Jeremy. *Law and Disagreement*. Oxford University Press, 1999. <https://doi.org/10.1093/acprof:oso/9780198262138.001.0001>.
- . "Normative (or Ethical) Positivism." In *Hart's Postscript: Essays on the Postscript to 'The Concept of Law'*, edited by Jules Coleman, 410–33. New York: Oxford University Press, 2001.
- Wattimena, Reza A.A. *Filsafat Kata*. Jakarta: Evolitera, 2011.