



## Legal Philosophy: The Meaning of Wise and Wise Social Justice in a Contemporary Philosophical Perspective

*Authors:*

**Dzaky Fadillah Rahman & Sidik Sunaryo**  
University of Muhammadiyah Malang  
Email: dzkyfdllhrhmn1@gmail.com; sidik\_sunaryo@yahoo.co.id

### Abstract

Social justice is one of the main pillars of legal philosophy which requires deep and wise interpretation. This journal explores the concept of wise and prudent social justice from the perspective of contemporary legal philosophy, with a focus on the values of wisdom (washatiyah), mental morality, transcendental spirituality, diversity (samahah), social morality, and cultural spirituality. Through qualitative research methods with literature studies, this study analyzes the main works of contemporary philosophers as well as the practical implications of these concepts in the context of law and public policy in Indonesia. The study results show that the integration of these values not only enriches understanding of social justice but also provides practical guidance for achieving sustainable and inclusive justice in the legal system. It is hoped that this study can provide a meaningful contribution to the development of social justice theory and practice in Indonesia.

### Keywords:

**Social Justice, Legal Philosophy, Wisdom, Washatiyah, Samahah.**



## 1. INTRODUCTION

Social justice is one of the fundamental concepts in legal philosophy that has been the center of attention of philosophers, scholars, and policymakers throughout history. In the context of modern society, social justice is often seen as the ultimate goal of the legal system and public policy, which aims to create prosperity and balance in the distribution of rights, obligations, and resources (Huijbers, 1993). The wise and prudent meaning of social justice is not just a theoretical concept, but also an operational principle that requires the application of moral and ethical values within the applicable legal framework.

In the perspective of contemporary philosophy, social justice includes various dimensions, ranging from individual rights, and equality of opportunity, to the distribution of wealth and resources. Philosophers such as John Rawls, Amartya Sen, and Martha Nussbaum have made significant contributions in formulating theories of justice that are relevant to modern-day challenges. Rawls, for example, with the theory of "Justice as Fairness" emphasizes the importance of two principles of justice: first, each person has the same right to the broadest basic freedoms by the same freedoms for other people; and second, social and economic inequality must be regulated in such a way that it most benefits those who are most disadvantaged, and attached to positions and positions that are open to all in conditions of fair equality (Qayyim, et.al., 2008).

However, the wise and prudent application of the concept of social justice in practice often encounters various obstacles. These include resistance from groups with power and influence, the inability of the legal system to effectively implement just policies, and the complexity of the social and economic issues surrounding it. Therefore, a holistic and integrative approach is needed that not only combines theoretical analysis but also considers practical and contextual aspects of social justice (Friedrich, 2004).

This study aims to explore the meaning of wise and wise social justice within the framework of legal philosophy, by examining various theories and concepts that have been put forward by contemporary philosophers. Apart from that, this journal will also examine the practical implications of the concept of social justice in the context of the legal system and public policy in Indonesia, as well as the challenges faced in efforts to realize it. In this way, it is hoped that it can make a meaningful contribution to the development of legal philosophical discourse and efforts to achieve true social justice in society.

## 2. RESEARCH METHODS

### 2.1. Research Ethics

This study will adhere to the principles of research ethics by respecting copyright and sources of all literature used, as well as providing appropriate attribution to all works cited. With this method, it is hoped that research can provide in-depth insight into the meaning and implementation of wise and prudent social justice within the framework of contemporary legal philosophy, as well as provide a meaningful contribution to the development of social justice theory and practice in Indonesia.

### 2.2. Approach Method

This study uses a qualitative approach to explore and understand the meaning of wise and prudent social justice from the perspective of contemporary legal philosophy. Qualitative methods were chosen because they allow researchers to explore the complexity of the concept of social justice and its interpretation in various legal and social contexts. This research uses an in-depth library research design to collect and analyze literature relevant to the topic. The literature study will include an analysis of texts from various philosophical, legal, and public policy sources.

### 2.3. Study Steps

1. Literature Identification and Collection: Collect primary works and secondary literature relevant to the topic of social justice in legal philosophy.
2. Theoretical Analysis: Conduct an in-depth analysis of the concepts of social justice from the perspective of contemporary legal philosophy.
3. Contextualization: Examining how the concept of wise and prudent social justice is applied in the context of law and public policy in Indonesia.
4. Drawing conclusions: Drawing conclusions based on analysis and providing recommendations for implementing social justice in the legal system.

### 2.4. Data collection

In this study, literature relevant to the study topic will be identified, collected, and reviewed, legal documents, public policies, and academic literature will be analyzed to identify how the concept of social justice is applied and understood in the contemporary legal context.

The data collected are original works from contemporary philosophers who discuss social justice theory, such as John Rawls, Amartya Sen, and Martha Nussbaum; academic journals, books, articles, and papers that review, criticize, or apply social justice theories in the context of law and public policy.

Data that has been collected from various sources will be selected, simplified, and organized to facilitate further analysis. The data that has been reduced is then arranged in narrative form to provide a clear picture of the study findings. Researchers will conclude the data that has been presented and verify these findings through triangulation with other sources.

## 3. RESULTS AND DISCUSSION

### 3.1. Results

#### 3.1.1. The Meaning of Wisdom in Social Justice

Wisdom in the context of social justice refers to wisdom that involves deep understanding and wise application of values in decision-making and legal actions. This wisdom is not only theoretical but also practical, covering various aspects of comprehensive values. The following is a discussion of wisdom which consists of wisdom values (*washatiyah*), mental morality values, and transcendental spiritual values (Ghazali, 1990).

#### 3.1.2. The Value of Wisdom (*Washatiyah*)

The value of wisdom or *washatiyah* refers to the principle of balance and moderation. In legal philosophy, *washatiyah* means taking a fair and balanced middle path between extremes. This value emphasizes the importance of harmony and harmony in making fair legal decisions. *Washatiyah* as wisdom in law means (Ghazali, 1990):

1. Balance between rights and obligations: Create policies that not only focus on individual rights but also their obligations to society.
2. Avoid extremism: Avoid approaches that are too harsh or too soft, and choose fair and moderate solutions.
3. Prioritizing dialogue and compromise: In resolving conflicts, *washatiyah* prioritizes dialogue and compromise that benefits all parties.

This value of wisdom is important in the context of social justice because it helps create a harmonious society where every individual feels valued and treated fairly.

### **3.1.3. Mental Morality Values**

Mental morality values relate to integrity, honesty, and responsibility that must be possessed by stakeholders in the legal system. Mental morality includes:

1. Personal integrity: Judges, lawyers, and policymakers must act with integrity, avoid corruption, and ensure that their actions comply with the principles of justice.
2. Honesty and transparency: The legal process must be carried out honestly and transparently so that all parties can understand and accept the decisions taken.

Social responsibility: Legal stakeholders must feel responsible towards society and ensure that the decisions they make provide maximum benefit to the public interest.

Mental morality in law ensures that the legal system functions well and fairly and that the decisions taken reflect true justice (Ridwan, 2005).

### **3.1.4. Transcendental Spiritual Values**

Transcendental spiritual values involve spiritual and religious dimensions in the concept of social justice. This value includes:

1. A meaningful life: Understanding that every individual has a higher purpose in life, which goes beyond material interests.
2. Divine will: Recognizes that law and justice must be consistent with higher spiritual and moral values, often derived from religious beliefs.
3. Balance between worldly and spiritual: Make decisions that not only consider worldly benefits but also spiritual benefits and the hereafter.

Transcendental spiritual values provide a strong moral framework for law, ensuring that social justice does not only focus on material aspects but also the spiritual welfare of individuals and society (Dahlan, et. al, 1997).

### **3.1.5. Integration of Wisdom Values in Social Justice**

The integration of wisdom, mental morality, and transcendental spiritual values in social justice produces a holistic and comprehensive approach. In legal philosophy, the wisdom consisting of these values guides for:

1. Creating a just and balanced legal system: By implementing washatiah, the law can achieve a fair balance in various situations.
2. Maintain integrity and responsibility in law enforcement: By prioritizing mental morality, the legal system can function with integrity and transparency.

Ensuring that laws are in line with higher spiritual and moral values: By considering transcendental spiritual values, social justice can achieve deeper and more meaningful dimensions.

Thus, wisdom in social justice includes the understanding and application of wisdom, mental morality, and transcendental spiritual values, which together form a strong basis for achieving wise and just justice within the framework of contemporary legal philosophy.

## **3.2. Discussion**

### **3.2.1. The Meaning of Wisdom in Social Justice**

Wisdom in the context of social justice involves the application of deep knowledge and understanding to reach just and appropriate decisions. This policy requires recognition and acceptance of diversity, social morality, and cultural and spiritual values. The following is a discussion of wisdom which consists of diverse values (samahah), social morality values, and cultural and spiritual values (Daraini, 1975).

### **3.2.2. Diversity Value (Samahah)**

The value of diversity or samahah emphasizes the importance of recognition, appreciation, and acceptance of the differences that exist in society. Diversity includes various aspects, such as culture, religion, race, ethnicity, and way of life. In the context of social justice, diversity values mean:

1. Respect for differences: Respect and respect the differences that exist in society as assets that must be protected.
2. Inclusivity: Making policies and legal decisions that are inclusive and non-discriminatory, so that every individual feels accepted and respected.
3. Harmony in diversity: Creating a harmonious environment where differences can coexist peacefully.

The value of diversity is important in the context of social justice because it ensures that all individuals, regardless of their background, are treated fairly and have equal opportunities.

### **3.2.3. Social Moral Values**

Social morality values relate to the norms and values that regulate individual behavior in society. Social morality emphasizes the importance of solidarity, care, and social responsibility. In social justice, these values include:

1. Solidarity: Foster a sense of togetherness and mutual assistance among community members.
2. Concern for others: Caring for the welfare of others and trying to help those in need.
3. Social responsibility: Feeling responsible for the social impact of legal actions and decisions, and trying to minimize injustice and inequality in society.

The value of social morality ensures that policies and legal actions are not only individually fair but also pay attention to collective welfare (Manzoor, 1986).

### **3.2.4. Cultural Spiritual Values**

Cultural spiritual values involve spiritual and cultural aspects of wisdom. This value includes understanding and respect for the traditions, customs, and spiritual beliefs that exist in society. In the context of social justice, these values include:

1. Respect for traditions: Respect and maintain existing traditions and customs as an important part of the community's cultural identity.
2. Balance between material and spiritual: Recognizing that society's welfare does not only depend on material aspects but also spiritual and cultural welfare.
3. Understanding the cultural context: Understanding the cultural context in making legal decisions to ensure that policies are made according to the values and beliefs of the local community (Syamsu, 2005)

Cultural spiritual values provide a rich framework for understanding and applying social justice in a variety of cultural and spiritual contexts.

### **3.2.5. Integration of Wisdom Values in Social Justice**

The integration of diverse values, social morality, and cultural spirituality in policy produces a holistic and balanced approach. In legal philosophy, wisdom consisting of these values guides for:

1. Creating a just and inclusive legal system: By implementing samahah, the law can ensure that all individuals are treated fairly and have equal opportunities.
2. Maintaining social morality in law enforcement: By prioritizing social morality, the legal system can strengthen solidarity and social responsibility in society.
3. Ensure that the law is in line with higher cultural and spiritual values: By considering cultural and spiritual values, social justice can achieve deeper and richer dimensions in the cultural context of society (Angkasa, 2010).

Thus, wisdom in social justice includes understanding and applying the values of diversity, social morality, and cultural spirituality, which together form a strong basis for achieving wise and sustainable justice within the framework of contemporary legal philosophy.

#### **4. CONCLUSIONS**

This study reveals that the concept of wise and prudent social justice in contemporary legal philosophy must be based on the integration of the values of wisdom (*washatiyah*), mental morality, transcendental spirituality, diversity (*samahah*), social morality, and cultural spirituality. These values provide a holistic framework for understanding and applying social justice in a variety of legal and public policy contexts. The value of wisdom (*washatiyah*) emphasizes the importance of balance and moderation in legal decision-making, which avoids extremities and prioritizes dialogue and compromise. The value of mental morality underscores the need for integrity, honesty, and responsibility in the legal system, which ensures transparency and fairness in every legal process. Meanwhile, transcendental spiritual values invite stakeholders to consider spiritual and religious dimensions in every legal decision, so that the law does not only focus on material aspects but also on spiritual welfare. The value of diversity (*samahah*) emphasizes respect and acceptance of differences, creating inclusive and non-discriminatory legal policies. The value of social morality strengthens solidarity and social responsibility, ensuring that legal policies pay attention to collective welfare. Cultural spiritual values recognize the importance of traditions and customs in society, ensuring that legal decisions are by existing cultural values.

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