



EDITORIAL

TRANSLATING THE MEANING OF
JUSTICE AND LEGAL PROTECTION:
WHAT EXACTLY IS JUSTICE?

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JUSTICE HAS MANY MEANINGS, dimensions, and even approaches. Not only in one country, but universally justice could be the same concept on one side, but it could also be different on the other side. Various views on the concept of justice also differ, influenced by the development of society, culture, social, or even the ideology of a country.¹

Several figures also have their own views on an important question: what exactly is justice? Plato, for example, believes that justice is the gift of rights that every human being has. He believes that justice in society is achieved when every member of society gets his

¹ Erakat, Noura. "Justice for Some." In *Justice for Some*. Stanford University Press, 2019; Forrester, Katrina. "In the Shadow of Justice." In *In the Shadow of Justice*. Princeton University Press, 2019; Nolan, James L. "Reinventing justice." In *Reinventing Justice*. Princeton University Press, 2021.

rights. The acquisition of this right can occur if every individual in society gets a position that is in accordance with his abilities. The theory of justice put forward by Plato prioritizes harmony and morals. He believes that justice is a spiritual substance that forms and maintains the unity of the social environment in society. The principle of harmony is achieved when the community makes arrangements for its community members. Justice is achieved when everyone gets a job that suits him equally.²

Meanwhile, Aristotle considers justice as an idea that contains ambiguity. According to him, justice can be interpreted into two things, namely a comprehensive social virtue or a social virtue that has specificity. This comprehensive social virtue he called universal justice. Meanwhile, the particular social virtue he calls particular justice.³ Aristotle argued that universal justice was formed simultaneously with the process of law enforcement. While particular justice is related to propriety. He then divides particular justice into distributive justice and commutative justice. In the same context, John Rawls—other legal scholars—provides ideas that influence the discourse on the value of justice. His important works related to justice include *A Theory of Justice*, *Political Liberalism*, and *The Law of*

² See Cooper, John M. "The psychology of justice in Plato." *American philosophical quarterly* 14, no. 2 (1977): 151-157; Keyt, David. "Plato on justice." In *Socratic, Platonic and Aristotelian Studies: Essays in Honor of Gerasimos Santas*, pp. 255-270. Springer, Dordrecht, 2011; Hamed, Afifeh. "The concept of justice in Greek philosophy (Plato and Aristotle)." *Mediterranean Journal of Social Sciences* 5, no. 27 P2 (2014): 1163-1163; Udoudom, Mfonobong David, and Samuel Akpan Bassey. "Plato and John Rawls on Social Justice." *Researchers World* 9, no. 3 (2018): 110-114.

³ Winthrop, Delba. "Aristotle and theories of justice." *American Political Science Review* 72, no. 4 (1978): 1201-1216; Von Leyden, Wolfgang. *Aristotle on equality and justice: His political argument*. Springer, 1985; Beever, Allan. "Aristotle on equity, law, and justice." *Legal Theory* 10, no. 1 (2004): 33-50; Duke, George. "Aristotle as natural law theorist." In *Research Handbook on Natural Law Theory*. (London: Edward Elgar Publishing, 2019).

Peoples. Rawls develops the principles of justice with the concept of the basic position and the veil of ignorance.⁴

The various meanings of justice and legal protection encourage *Journal of Indonesian Legal Studies* to raise the topic in this edition of "A Discourse of Justice and Legal Protection in Domestic and Global Perspective". This edition presents ten articles from various domestic and foreign institutions on various studies on justice in a wider scope.

The article written by Hage & Ningrum, *Corrective Justice and Its Significance on the Private Law*, offers a very interesting discourse and discussion about alternative justice in the field of civil law. This article compares several concepts of justice between Aristotle and Hans Kelsen in affirming the meaning of justice in the settlement of civil disputes.

Another article, *"Dimensions of Water Resources Regulation in Philosophy of Justice and Human Rights Perspective"* written by Rideng, Wijaya, and Saripan provides a unique and more specific perspective on the concepts of justice and human rights in the regulation of water resources in Indonesia. This article emphasizes that the right to clean water is one of the fundamental rights that is also included in the study of social justice. In fact, this research article also underlines that the capitalization and liberalization of ownership of water resources in Indonesia by several companies is contrary to the principles of social justice and the values of Pancasila.

Meanwhile, the article written by Mangku, Yuliantini, Ruslan, Monteiro, and Surat on *"The Position of Indegenous People in the Culture and Tourism Developments: Comparing Indonesia and East Timor Tourism Laws and Policies"*, criticizes and analyzes how indegenous people's

⁴ Rawls, John. "A theory of justice." In *Ethics*, pp. 229-234. Routledge, 2004; Bloom, Allan. "Justice: John Rawls vs. the tradition of political philosophy." *American Political Science Review* 69, no. 2 (1975): 648-662; Edor, Edor J. "John Rawls's Concept of Justice as Fairness." *PINISI Discretion Review* 4, no. 1 (2020): 179-190.

rights should be accommodated in the development of tourism in Bali and Timor Leste. According to them, the tendency to override the rights of indigenous peoples in tourism development and prioritize investment and economic value is something that violates the concept of justice itself.

Also various other articles published in this edition, *Dilemma of Dual Citizenship Issues in Indonesia: A Legal and Political Perspective* (Salim, et.al.), *Restorative Justice Principles in Law Enforcement and Democracy in Indonesia* (Sukardi & Purnama), *Protecting Environment through Criminal Sanction Aggravation* (Ali, et.al.), *Criminal Liability of Political Parties from the Perspective of Anti-Money Laundering Act* (Wangga, et.al.), *Promoting the Good Governance by Advancing the Role of Parliamentarians and the Term Offices Limitation (Comparing Nigeria and Indonesia)* (Jaja & Aditya), *Simple Patent Protection: A Case of Sarong Tenun Goyor Indonesia and The Comparison to Malaysia Utility Innovation Protection* (Rohmat, et.al.), and *Third-Party Risk in the Availability Payment: The Palapa Ring Western Package* (Nathaniel, et.al.) generally emphasizes the concept of justice from various legal and practical perspectives.

In this edition, we are proud to inform you that *Journal of Indonesian Legal Studies* has officially been accepted into the Scopus database—one of the largest databases of international reputable journals.

We sincerely thank all parties for this achievement. Of course, also to all the Authors, the Editorial team, Faculty members, and all Anonymous Reviewers for all their invaluable help.

Finally, hopefully this edition will provide a different perspective on the development of discourse and deeper discourse on various justice practices in a wider scope.