

Mochtar Kusumaatmadja's Legal Development Theory as an Epistemological Solution for Indonesian Legal Reform

Aisha Mutiara Savitri ^a ✉, **Tarsisius Murwadi** ^b ,
Helza Nova Lita ^b , **Rahmat Dwi Putranto** ^c,
Amalina Ahmad Tajudin ^d 

^a Doctoral Program in Legal Studies, Universitas Padjadjaran, Indonesia

^b Faculty of Law, Universitas Padjadjaran, Indonesia

^c IBLAM School of Law, Indonesia

^d Faculty of Syariah and Law, Universiti Sains Islam Malaysia, Malaysia

✉ corresponding email: aisha25009@mail.unpad.ac.id

Abstract

The development of Indonesian legal science continues to face the challenge of constructing an epistemological foundation that reconciles legal certainty, social change, national development, public participation, and substantive justice. In this context, Mochtar Kusumaatmadja's Legal Development Theory remains important because it offers a framework for understanding law not merely as a formal system of rules, but as a means of orderly social transformation. However, the theory has also generated critical debate, particularly regarding its theoretical status, its instrumental character, and its potential to serve as a justification for state-centered development. This article aims to analyze the epistemological foundations of Legal Development Theory and to reassess its position as a conditional epistemological solution for Indonesian legal reform. This research employs a normative legal method, drawing on conceptual, historical, and philosophical approaches. The legal

materials are analyzed through conceptual analysis, historical contextualization, critical epistemological interpretation, and comparative theoretical reflection. The findings show that Legal Development Theory is grounded in a pragmatic and contextual epistemology that integrates normative validity, social responsiveness, developmental function, and Indonesian legal values. Nevertheless, this article argues that the theory should not be understood as an unconditional solution. Its relevance depends on whether development-oriented law is controlled by Pancasila, legal certainty, meaningful public participation, substantive justice, constitutional legitimacy, and the plural character of Indonesian society. By placing Legal Development Theory in dialogue with Progressive Law, Bernard Arief Sidharta's legal thought, and Pancasila-based legal philosophy, this article contributes to Indonesian legal scholarship by reconstructing the theory as a contextual, participatory, and justice-oriented epistemological framework for legal reform.

Keywords

Legal Development Theory, Mochtar Kusumaatmadja, Pancasila, Indonesian Legal Reform, Public Participation.

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Introduction

Epistemology, as a branch of the philosophy of science, occupies a central role in examining the nature, sources, and limits of human knowledge. As a theory of knowledge, it provides the conceptual framework for understanding how knowledge is constructed and justified.¹ Within the domain of legal science, epistemology explains how legal knowledge is generated, structured, and validated as a scientific discipline. It is concerned not only with the question of “what law is”, but also with “how law is known and how its truth claims are justified”. Accordingly, epistemology in legal science serves as the foundation for assessing legal theories, determining whether a given theory satisfies the criteria of scientific inquiry or merely offers a descriptive account of particular legal phenomena. In the context of legal studies in Indonesia, an understanding of epistemology has become increasingly significant, as the formation of Indonesian national law did not occur spontaneously but instead evolved through a dialectical process involving the legacy of colonial law, the influence of Western legal thought, and the developmental imperatives of a nation seeking to articulate its distinct Indonesian identity.²

One of the legal ideas that has occupied a strategic position in the history of Indonesian law is Legal Development Theory, introduced by Mochtar Kusumaatmadja in the 1970s. This theory emerged at a time when Indonesia was consolidating the direction of its post-independence national development, particularly under the New Order regime. Mochtar Kusumaatmadja argued that law constitutes an integral part of the system of social norms, though it is not the sole normative order within society.³ He also observed that the Indonesian legal system had long been influenced by a formalistic and positivistic orientation

¹ Arsyah Ma And Nida Fadhila Safitri, “Epistemology Of Islamic Education Philosophy : A Conceptual Study Of The Scientific Foundations And Their Implications For Modern Learning” 4, No. 4 (2025): 195–201, <https://doi.org/10.53866/ajirss.v4i4.1102>.

² Kamarusdiana, *Filsafat Hukum* (Jakarta: UIN Jakarta Press, 2018).

³ M Zulfa Aulia, “Hukum Pembangunan Dari Mochtar Kusuma- Atmadja : Mengarahkan Pembangunan Atau Mengabdikan Pada Pembangunan ?” 1, no. 2 (2018): 130, <https://doi.org/10.22437/ujh.1.2.363-392>.

inherited from Dutch colonial law. As a result, the law was often understood primarily as written rules, while its social function in guiding change remained underdeveloped. Within this intellectual framework, Mochtar sought to reposition law as a means of orderly social transformation.⁴

Legal Development Theory is grounded in the fundamental assumption that law must play an active role in development. Law should not remain confined to the normative sphere, but must also possess functional and instrumental dimensions capable of ensuring legal certainty, social order, and directed social change. In this framework, law is not merely a guardian of order, but also a means of social renewal.⁵ This idea is important because development, in Mochtar's view, should be understood broadly, not only as economic growth, but as a transformation involving various aspects of social life. Therefore, law is expected to provide direction and correction for development, rather than merely legitimizing the interests of political power.⁶

From an epistemological standpoint, Legal Development Theory may be positioned as a solution to the limitations of rigid legal positivism. It offers a framework for understanding law not merely as a closed system of formal rules but as a body of knowledge connected to social needs, national development, and the values of Indonesian society. The theory is therefore relevant for Indonesian legal reform because it seeks to bridge legal certainty and social transformation.⁷ It enables law to remain normative while also being responsive to the realities of a developing society. In this sense, Legal Development Theory contributes to the

⁴ Shidarta, "Mochta Kusuma Atmaja & Teori Hk.Pembangunan (Dari Wacana Pinggir Menuju Kritik," 2012.

⁵ Oksidelfa Yanto, *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum (Dalam Sistem Peradilan Pidana Indonesia)*, (Bandung: Penerbit Pustaka Reka Cipta, 2020).

⁶ Nur Rofiif, "Prof. Dr. Mochtar Kusuma Atmadja S.H., L.L.M. Teori Hukum Pembangunan," *Jurnal Kepemimpinan Dan Manajemen Keperawatan*, September 2, 2024.

⁷ K. Fachri Ferinda, "Mengulas Intisari Teori Hukum Pembangunan Prof Mochtar Kusumaatmadja," *Artikel Hukum Online*, 2021.

construction of an Indonesian legal epistemology that is contextual, functional, and reform-oriented.⁸

Nevertheless, the theory also presents an epistemological challenge that requires careful clarification. When law is positioned as an instrument of development, the boundary between law, policy, and power may become indistinct. The problem does not lie in the idea that law should support development, but in the absence of clear criteria concerning what kind of development should be supported by law and how such development should be justified⁹. If development is defined only by the state or by dominant political interests, Legal Development Theory may be reduced to political instrumentalism. Conversely, when development is interpreted in terms of legal certainty, public participation, social justice, and constitutional values, the theory can serve as an epistemological basis for legal reform.¹⁰¹¹

This clarification is important in contemporary Indonesian legal discourse. Recent debates on development-oriented legislation show that legal reform cannot be measured merely by the enactment of statutes or the acceleration of regulatory change. Legal reform must also be assessed by its philosophical justification, social legitimacy, openness to public participation, and capacity to protect affected communities.¹² In this regard, Legal Development Theory remains relevant. Still, its relevance depends on whether law genuinely functions as a means of social renewal

⁸ Nimer Sultany, "Law's Ideology: Neoliberalism and Developmentalism in Egyptian Jurisprudence," *International Journal of Constitutional Law* 22, no. 2 (April 2024): 255–91, <https://doi.org/10.1093/icon/moae043>.

⁹ Hasbullah Hasbullah, Huala Adolf, and Sigid Suseno, "State Loss Settlement Policies in the Bank Indonesia Liquidity Assistance Case," *Journal of Human Rights, Culture and Legal System* 6, no. 1 (2026): 1–30.

¹⁰ Aulia, "Hukum Pembangunan Dari Mochtar Kusuma- Atmadja : Mengarahkan Pembangunan Atau Mengabdi Pada Pembangunan ?"

¹¹ Yong-Shik Lee and Andrew Harding, "Law and Development: A Comparative Law Aspect," *Law and Development Review*, 17, no. 2 (2024): 393–415, <https://doi.org/10.1515/ldr-2024-0003>.

¹² Nor Fadillah, "Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja Dalam Undang-Undang Ibu Kota Negara (IKN) Nor Fadillah Magister Ilmu Hukum Universitas Islam Indonesia Pendahuluan Pemindahan Ibu Kota Negara Dari Jakarta Ke Kalimantan Timur Dengan Disahkannya Unda" 11, no. 1 (2022): 45–65.

rather than as an instrument for maintaining power. Thus, the theory should be read not as an unconditional justification for state-led development, but as a framework for directing development toward orderly, participatory, and socially just reform.¹³

Indonesian legal scholars have also advanced epistemological critiques of Legal Development Theory. Several commentators contend that the theory may become overly pragmatic if its instrumental dimension is emphasized without sufficient attention to moral and participatory foundations. This critique is often compared with Satjipto Rahardjo's Progressive Law, which places greater emphasis on human consciousness, moral transformation, and substantive justice. However, the debate between Legal Development Theory and Progressive Law has already become a well-established discourse in Indonesian legal scholarship. The issue that still requires further examination is not merely whether Legal Development Theory is more positivistic or more sociological, but how its epistemological structure can be clarified so that it can operate as a solution for Indonesian legal reform without falling into state-centered instrumentalism.¹⁴

In a broader sense, the epistemology of Legal Development Theory is closely connected to the endeavor to shape an Indonesian legal science that reflects the nation's identity and remains responsive to its social realities. As a country seeking to overcome the dominance of Western legal epistemology, Indonesia requires a foundation of legal knowledge rooted in its own values, culture, and constitutional aspirations.¹⁵ Mochtar Kusumaatmadja took a significant step by rejecting the uncritical transplantation of Western legal theories and by emphasizing the need to adapt legal thought to Indonesian social conditions. Nevertheless, this initiative continues to provoke debate about its scientific standing, particularly because Legal Development Theory sits

¹³ Sulistyowati Irianto, "Legal Education for The Future of Indonesia : A Critical Assessment LEGAL EDUCATION FOR THE FUTURE OF INDONESIA :," 1, no. 1 (2021), <https://doi.org/10.54828/ijls.2021v1n1.1>.

¹⁴ Aep Risnandar dan KM Ibnu Shina Zaenudin, "Development and Evolution of Indonesian Law from the Perspective of Development Law Theory," *Journal Rechtsvinding* 3, no. 2 (2015): 11.

¹⁵ Lee and Harding, "Law and Development: A Comparative Law Aspect."

at the intersection of normative legal certainty, social function, and the political realities of development.¹⁶

This research aims to examine the epistemology of Legal Development Theory to elucidate the nature of legal knowledge embedded within it. The study is directed not only at assessing the theory's scientific validity but also at evaluating its contribution to the formation of a national legal paradigm that is contextual, responsive, and oriented toward legal reform. Employing a philosophy-of-science approach, this paper analyzes the structure of knowledge underlying Legal Development Theory and the relationship between law and development within an epistemological framework. The issues addressed in this study are formulated into two principal inquiries: (1) what are the epistemological foundations of Legal Development Theory as articulated by Mochtar Kusumaatmadja? and (2) how can Legal Development Theory be positioned as an epistemological solution for Indonesian legal reform while still acknowledging its limits and risks?

This research constitutes a normative legal study employing conceptual, historical, and philosophical approaches. The normative legal method is used because this study does not examine empirical legal behavior, but analyzes legal ideas, doctrines, concepts, and theoretical arguments concerning Mochtar Kusumaatmadja's Legal Development Theory. The conceptual approach is applied to examine key concepts, including epistemology, legal knowledge, legal certainty, law as a means of social renewal, and Indonesian legal reform. The historical approach is used to understand the emergence of Legal Development Theory within the development of Indonesian legal thought, particularly in relation to post-independence legal development and the intellectual context of the New Order period. The philosophical approach is used to assess the theory's epistemological structure, particularly its sources of legal knowledge, criteria of validity, and the relationships among law, society, development, and power.¹⁷

¹⁶ Irianto, "Legal Education for The Future of Indonesia : A Critical Assessment Legal Education For The Future Of Indonesia :"

¹⁷ Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta: PT Raja Grafindo Persada, 2003, Hlm. 32 (Jakarta: PT Raja Grafindo Persada, 2003).

This study utilizes secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include legal and constitutional materials relevant to national legal development and legal reform. Secondary legal materials consist of the writings of Mochtar Kusumaatmadja, scholarly works on Legal Development Theory, and academic writings by Indonesian legal scholars such as Shidarta, Satjipto Rahardjo, Lili Rasjidi, Atip Latipulhayat, M. Zulfa Aulia, Nor Fadillah, and Sulistyowati Irianto. These materials are used to examine both the constructive and critical dimensions of Legal Development Theory. Tertiary legal materials include legal dictionaries, encyclopedias, and other academic sources that clarify relevant legal and philosophical terminology.¹⁸

The legal materials were collected through library research by selecting classical and contemporary literature relevant to the epistemology of Legal Development Theory. The selection of sources was based on three criteria: direct relevance to Mochtar Kusumaatmadja's Legal Development Theory, contribution to Indonesian legal epistemology or legal reform, and relevance to contemporary critiques concerning state instrumentalism, public participation, and the limits of development-oriented law. Accordingly, this study prioritizes scholarly books, peer-reviewed journal articles, and academic legal writings over popular or non-academic sources.

The materials were analyzed using conceptual analysis, historical contextualization, and critical epistemological interpretation. Conceptual analysis is used to identify and clarify the main concepts forming the theoretical structure of Legal Development Theory. Historical contextualization is used to explain why and how the theory emerged within Indonesian legal development. Critical epistemological interpretation is used to evaluate whether the theory can function as an epistemological solution for Indonesian legal reform and under what conditions it may become problematic. Through this analytical framework, the study examines four questions: first, what are the sources of legal knowledge in Legal Development Theory; second, how does the theory justify the validity of law; third, how does it construct the

¹⁸ Soerjono Soekanto dan Sri Mamuji, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)* (Jakarta: Rajawali press, 2019).

relationship between law, development, society, and the state; and fourth, what are the epistemological limits of the theory in contemporary Indonesian legal reform?

The limitation of this research lies in its doctrinal and philosophical character. This study does not conduct empirical fieldwork, interviews, or quantitative analysis of the implementation of Legal Development Theory in specific legal institutions. It also does not aim to measure the practical effectiveness of particular statutes or policies. Rather, the study is limited to an epistemological assessment of Legal Development Theory as a legal thought and as a framework for Indonesian legal reform. Therefore, any reference to contemporary legislation or policy is used only as an illustrative context to clarify the theory's relevance and limits, not as an object of empirical evaluation.

Analytical Framework: Epistemological Model of Legal Development Theory

To clarify the analytical framework of this article, Legal Development Theory is examined through an epistemological model consisting of five dimensions: the ontological basis of law, the source of legal knowledge, the criterion of legal validity, the function of law, and the corrective principle that prevents the theory from becoming merely instrumental. This model is constructed to explain why Mochtar Kusumaatmadja's Legal Development Theory can be positioned as an epistemological solution for Indonesian legal reform, while also recognizing the limits and risks of its application.

Table 1. Epistemological Model of Mochtar Kusumaatmadja's Legal Development Theory

Epistemological Dimension	Core Question	Construction in Legal Development Theory	Function as a Solution for Indonesian Legal Reform	Critical Limit
Ontological basis of law	What is law understood to be?	Law is not merely a set of written rules, but also includes principles, institutions, and processes that operate within society. ¹⁹	This enables legal reform to move beyond rigid legal positivism and connect legal norms with social reality.	Law may be reduced to state policy if society is treated only as an object of regulation.
Source of legal knowledge	From where does legal knowledge derive its content?	Legal knowledge derives from statutory norms, social needs, development objectives, Indonesian values, and society's living conditions. ²⁰	This provides a contextual foundation for Indonesian legal reform because law is grounded in national identity and social needs.	Legal knowledge becomes narrow if public participation and social plurality are ignored.
Criterion of legal validity	How is legal validity justified?	Legal validity is not only formal, but also functional and social. Law must be certain, useful, and capable of directing orderly change. ²¹	This allows legal reform to balance legal certainty, social benefit, and substantive justice.	Legal validity may shift into political utility if development is defined without clear normative criteria.

¹⁹ Atip Latipulhayat, "Khazanah: Mochtar Kusumaatmadja" 1, no. 3 (2014).

²⁰ Aulia, "Hukum Pembangunan Dari Mochtar Kusuma- Atmadja : Mengarahkan Pembangunan Atau Mengabdi Pada Pembangunan ?"

²¹ Fadillah, "Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja Dalam Undang-Undang Ibu Kota Negara (IKN) Nor Fadillah Magister Ilmu Hukum Universitas Islam Indonesia Pendahuluan Pemindahan Ibu Kota Negara Dari Jakarta Ke Kalimantan Timur Dengan Disahkannya Unda."

Function of law	What role should the law perform in society?	Law functions as a means of social renewal and as an instrument for guiding development in an orderly manner. ²²	This gives law an active role in structuring reform, responding to social change, and supporting public welfare.	The instrumental function of law becomes problematic if law is used merely to legitimize political power.
Corrective principle	What prevents the theory from becoming state-centered or instrumentalistic?	Constitutional values, public participation, substantive justice, and critical legal reasoning must control Legal Development Theory. ²³	This transforms the theory into a democratic and reform-oriented epistemological framework.	Without these controls, Legal Development Theory risks losing its emancipatory function and becoming an instrument of power.

Source: Author's analysis

Based on this model, Legal Development Theory should not be understood as a purely positivist or purely sociological theory of law. It occupies an intermediate epistemological position because it recognizes the importance of legal certainty while also requiring law to respond to social change and development. Its epistemological strength lies in its ability to integrate normative, social, and functional dimensions of law. However, this integration is not automatic. It depends on whether development is defined through public interest, democratic participation, substantive justice, and constitutional morality.

²² Irianto, "Legal Education for The Future of Indonesia : A Critical Assessment Legal Education For The Future Of Indonesia :"

²³ Jefri Ewardiman Daffa Prangsi Rakisa Wijaya Kusuma, Fira Saputri Yanuari, "Konstruksi Teori Hukum Pembangunan Dalam Formulasi Energi Mix Policy Di Indonesia," *Jurnal RechtsVinding* 11, no. 3 (2022): 362.

Critical Debates on Mochtar Kusumaatmadja's Legal Development Theory

Before discussing the epistemological foundation of Legal Development Theory, it is important to place Mochtar Kusumaatmadja's thought within the broader debate of Indonesian legal scholarship. Legal Development Theory has undoubtedly contributed to the formation of Indonesian legal thought, especially by positioning law as an instrument for orderly social change. However, its position is not free from criticism. Several scholars have questioned its theoretical status, its relationship with state-led development, and its capacity to maintain justice when law is used as an instrument of development. These debates are important because they prevent Legal Development Theory from being understood as a closed and uncontested doctrine.

One of the most direct critiques is offered by M. Zulfa Aulia in *Undang: Jurnal Hukum*. Aulia questions whether Legal Development Theory truly directs development or is instead subordinated to it. This critique reveals a central tension in Mochtar's thought. On the one hand, law is expected to guide development so that social change occurs in an orderly and legitimate manner. On the other hand, when development is defined mainly by the state or dominant political actors, law may lose its critical function and become a tool for legitimizing political and economic agendas. Therefore, the problem is not simply that law is used for development, but whether development itself is defined through clear normative criteria, public interest, and social justice.²⁴

This concern becomes more visible when Legal Development Theory is compared with Satjipto Rahardjo's Progressive Law. In "Hukum Progresif: Hukum yang Membebaskan," published in *Jurnal Hukum Progresif*, Satjipto shifts the focus of legal thought from institutional order and legal certainty to human beings and substantive justice. In his view, law should not be treated as an autonomous authority above human life, but as an instrument that serves human beings and society. This perspective does not necessarily reject the role of law in development. Still, it reminds us that development-oriented law may become too formal, instrumental, or state-centered if it neglects people's

²⁴ Aulia, "Hukum Pembangunan Dari Mochtar Kusuma- Atmadja : Mengarahkan Pembangunan Atau Mengabdikan Pada Pembangunan ?"

lived experiences. Thus, Progressive Law functions as a humanistic corrective to Legal Development Theory by emphasizing that law must not only create order, but also protect justice and humanity.²⁵

Another important perspective comes from Bernard Arief Sidharta, as discussed by Sidharta in “Bernard Arief Sidharta: Dari Pengembangan Hukum Teoretis ke Pembentukan Ilmu Hukum Nasional Indonesia,” published in *Undang: Jurnal Hukum*. Bernard should not be portrayed merely as an opponent of Mochtar Kusumaatmadja, as Mochtar also influenced his intellectual development. Nevertheless, Bernard’s thought provides an important methodological correction. He emphasizes that legal thought must be grounded in a disciplined structure of legal science, legal reasoning, and Indonesian national legal knowledge. From this perspective, Legal Development Theory should not be treated only as a policy-oriented idea about the function of law in national development. It also needs to be examined through legal reasoning and the epistemological structure of legal science. Without such methodological grounding, the idea of law as a means of development may become too pragmatic and vulnerable to political instrumentalization.²⁶

These three perspectives show that the debate around Legal Development Theory is not merely a rejection of Mochtar’s thought. Rather, the debate clarifies the conditions under which the theory can remain relevant. Aulia highlights the risk of law becoming subordinated to development. Satjipto reminds us that law must remain centered on human beings and substantive justice. Bernard strengthens the need for methodological and epistemological discipline in legal science. Taken together, these critiques help reconstruct Legal Development Theory as a conditional framework: it remains relevant for Indonesian legal reform, but only when its instrumental function is controlled by justice, public participation, legal reasoning, and clear normative limits.

²⁵ Satjipto Rahardjo, “HUKUM PROGRESIF: HUKUM YANG MEMBEBAHKAN,” *Journal Hukum Progresif*, 2005, 4.

²⁶ Shidarta, “Mochta Kusuma Atmaja & Teori Hk.Pembangunan (Dari Wacana Pinggir Menuju Kritik.”

The following table summarizes the main debates and their implications for the epistemological reconstruction of Legal Development Theory.

Table 2. Critical Debates on Mochtar Kusumaatmadja's Legal Development Theory

Scholar	Main Critical Focus	Core Critique
M. Zulfa Aulia	The ambiguity of development-oriented law	Legal Development Theory may become problematic when law no longer directs development, but instead serves development agendas defined by political power. The main weakness lies in the absence of clear normative criteria concerning what kind of development should be supported by law.
Satjipto Rahardjo	Human-centered and justice-oriented critique	Development-oriented law may become too formal, instrumental, or state-centered if it neglects human beings and substantive justice. Law should serve society, not merely institutional order or state-led development.
Shidarta	Methodological and epistemological correction	Legal Development Theory needs to be situated within a disciplined structure of legal science, legal reasoning, and Indonesian national legal knowledge. Without this foundation, the theory may become too pragmatic and insufficiently scientific.

Source: Author's analysis

Based on these debates, this article does not position Legal Development Theory as a final and uncontested doctrine. Instead, it treats the theory as an important but conditional framework in Indonesian legal thought. Its strength lies in its ability to connect law, order, development, and social change. However, its weakness appears when the concept of development is monopolized by state power, detached from substantive justice, or insufficiently grounded in legal reasoning. Therefore, Legal Development Theory remains relevant only

when it is critically reconstructed through normative limits, human-centered justice, and a sound epistemological foundation.

A. The Epistemological Foundation of Mochtar Kusumaatmadja's Legal Development Theory

Epistemology, as a branch of philosophy concerned with the nature of knowledge, provides an essential point of departure for understanding the construction of legal theory. In the legal context, epistemology addresses fundamental questions concerning how law is known, how it is justified, and how its relationship with social reality is constituted. Law is therefore not merely a body of norms codified in legislation, but also the product of social, cultural, and political processes of knowledge that shape the development and functioning of legal institutions and regulations.²⁷ From this perspective, epistemology frames legal theory as a scientific discipline capable of providing an intellectual foundation to ensure that law functions properly in practice.

Mochtar Kusumaatmadja articulated his views on law in the context of development through what is known as Legal Development Theory. This theory emerged from the concern that law in a developing society should not remain passive, formalistic, or detached from social transformation. Law must not only maintain order, but must also provide direction for social change so that development occurs in an orderly and legitimate manner.²⁸ This idea demonstrates that Mochtar did not reject legal certainty but sought to place legal certainty within the broader function of law as a means of social renewal.²⁹

The epistemological foundation of Legal Development Theory lies in its attempt to overcome the limitations of rigid legal positivism. Positivism is important because it provides certainty, predictability, and formal validity. However, when the law is understood only as written

²⁷ Håkan Hydén, "The Sociology of Law Potential: Exploring Its Scientific Landscape," *Frontiers in Sociology* (Switzerland, 2023), <https://doi.org/10.3389/fsoc.2023.1203799>.

²⁸ H.R. Benny Riyanto, "Pembaruan Hukum Nasional Era 4.0," *Jurnal Rechts Vinding* 9, no. 2 (2020): 173.

²⁹ RR. Lyia Aina Prihardiati, "Teori Hukum Pembangunan Antara Das Sein dan Das Sollen," *Jurnal Hermeneutika*, Vol. 5, No. 1, Februari 2021, hlm. 86-87

rules, it may fail to respond to the concrete needs of society. Legal Development Theory, therefore, expands the foundation of legal knowledge by connecting statutory norms with social needs, developmental objectives, and the values of Indonesian society. In this sense, law is not merely a system of commands, but a structured instrument for guiding social transformation.³⁰

The philosophical basis of this theory has been reread in recent scholarship as a synthesis of several streams of legal thought. Rafiqi explains that Legal Development Theory is influenced by analytical jurisprudence, sociological jurisprudence, and pragmatic legal realism, and is also adapted to Indonesian conditions.³¹ This position is important because it shows that the theory is not merely a political doctrine of development.³² Rather, it has a philosophical structure that combines legal rationality, social function, and practical orientation. Its epistemological character is therefore synthetic and contextual.³³

One of the most important elements in this theory is the idea that law functions as a means of social renewal. This does not mean that the law may be used freely to justify any development agenda. Rather, law must guide development so that change takes place in a structured, orderly, and socially beneficial manner. Development in this context must be understood broadly, not only as economic growth, but also as transformation in social, institutional, cultural, and legal life. Therefore, the object of legal knowledge in Legal Development Theory is not limited to legal texts but also includes institutions, social processes, and society's living conditions.³⁴

³⁰ Latipulhayat, "Khazanah: Mochtar Kusumaatmadja." Hlm 417.

³¹ Shidarta, "Mochta Kusuma Atmaja & Teori Hk.Pembangunan (Dari Wacana Pinggir Menuju Kritik."hlm. 411.

³² Ilham Rafiqi, "Re-Reading Mochtar Kusumaatmadja's Theory of Development Law: Exploring the Philosophical Basis and Considering Relevance" 1 (January 2025): 11–26.

³³ John Dewey, Evolutionary Anthropology, and Trevor Pearce, "John Dewey , Evolutionary Anthropology , and Comparative Jurisprudence," no. January (2025): 0–19, <https://doi.org/10.4000/12yvk>.

³⁴ Evita Isretno, "Pembangunan Hukum Dan Sistem Hukum," *Jurnal Hukum & Pembangunan* 55, no. 3 (2026): 280.

This construction makes Legal Development Theory relevant as an epistemological solution for Indonesian legal reform. It allows legal science to move beyond the dichotomy between formal legalism and social reality. Law must still be formally valid, but it must also be socially meaningful and functionally useful. Prayoga's recent analysis strengthens this point by explaining that Mochtar's theory emphasizes law as an instrument of social reform to support national development.³⁵ In this sense, Legal Development Theory provides a foundation for reform-oriented legal knowledge.³⁶

However, the instrumental function of law also contains a serious epistemological risk. If law is positioned as a means of development, then the criteria of development must be clarified. Without clear criteria, the concept of development may be defined by political power rather than by public welfare. Prayoga emphasizes that the will to power has often been justified through legal instruments in the name of development, thereby risking the obscuring of the social objectives of development itself. This criticism is important because it shows that the problem is not the idea of law as a means of development, but the absence of normative limits in its application.³⁷

Therefore, Legal Development Theory must not be read as an unconditional justification for state-led development. Its epistemological value depends on whether the law can balance order, utility, justice, and participation. When development-oriented law is enacted without clear legal reasoning, adequate public participation, or concern for affected communities, it may lose its legitimacy. In such a situation, the theory risks becoming state-centered instrumentalism. Conversely, when law is grounded in legal certainty, social justice, and public participation, Legal

³⁵ Reynaldi S Prayoga, "Antara Idealisme Dan Pragmatisme : Hukum Yang Efisien Sebagai Sarana Pembangunan," *Jurnal Hukum & Pembangunan* 55, no. 3 (2026), <https://doi.org/10.21143/jhp.vol55.no.3.1929>.

³⁶ Nurhaedah Marif, "Penuntutan Dalam Mewujudkan Penegakan Hukum Yang Berkeadilan" 6, no. 2 (2024): 217–24, <https://doi.org/10.35965/ijlf.v6i2.4529>.

³⁷ Shidarta, "Mochta Kusuma Atmaja & Teori Hk.Pembangunan (Dari Wacana Pinggir Menuju Kritik."

Development Theory can operate as a constructive solution for legal reform.³⁸

This distinction is especially important in contemporary Indonesian legal discourse. Recent studies on public participation in development planning and social impact assessment show that participation should not be treated merely as a procedural formality. Suaree and Uz Zaman argue that public participation is a key element of Social Impact Assessment because it enables affected communities to contribute to decision-making and protects human rights in development contexts.³⁹ This supports the argument that the epistemology of Legal Development Theory must include participatory safeguards. Law cannot be considered a means of development if the people affected by development are not meaningfully involved.⁴⁰

Accordingly, the epistemological foundation of Legal Development Theory consists of four interconnected elements: legal certainty, social responsiveness, developmental function, and corrective participation. Legal certainty prevents the law from becoming arbitrary. Social responsiveness prevents the law from being detached from society. Developmental function allows law to guide orderly change. Corrective participation prevents the theory from becoming merely an instrument of power. These elements make Legal Development Theory a solution, but only when constitutional values and substantive justice control its instrumental character.⁴¹

Thus, the foundation of Legal Development Theory should be understood as both constructive and critical. It is constructive because it

³⁸ Aulia, "Hukum Pembangunan Dari Mochtar Kusuma- Atmadja : Mengarahkan Pembangunan Atau Mengabdi Pada Pembangunan ?"

³⁹ Nur Atheefa Sufena M Suaree and Muhamad Nafi Uz Zaman, "Public Participation in Social Impact Assessment: Comparative Human Rights Legal Approaches in Malaysia and Indonesia," *LAW REFORM; Vol 21, No 2 (2025)*, 2025, <https://doi.org/10.14710/lr.v21i2.69408>.

⁴⁰ Inaz Nugroho, Novita Renawati, and Nurul Yakin, "Reformasi Pendidikan Hukum Berbasis Law Case Study Guna Menghasilkan Sarjana Hukum Yang Pancasila Di Era Society 5.0," *Recht Studiosum Law Review* 1 (October 25, 2022): 12, <https://doi.org/10.32734/rslr.v1i2.9667>.

⁴¹ Wahyu Nugroho, "Pembaruan Teori Hukum Pembangunan Ke Dalam Penyusunan Undang-Undang Lingkungan Hidup Pasca Reformasi," *Bina Hukum Lingkungan* 1 (April 30, 2017): 190–206, <https://doi.org/10.24970/jbhl.v1n2.15>.

gives law an active role in shaping social transformation. It is critical because its application must be evaluated through clear normative criteria. This means that the theory remains relevant not because every development-oriented legal policy is automatically justified, but because it provides a framework for assessing whether development is legally valid, socially legitimate, participatory, and oriented toward justice. This is the main epistemological contribution of Mochtar's thought to Indonesian legal reform.⁴²

At this stage, the epistemological foundation of Legal Development Theory should be further connected to the philosophical foundation of Indonesian law, particularly Pancasila. In the Indonesian context, legal knowledge cannot be constructed only from formal legal norms, abstract legal doctrines, or universal theories detached from social reality. Indonesian law operates within a plural society consisting of diverse religions, customary traditions, local cultures, economic conditions, and social interests. This plurality shows that law cannot be applied in a rigid and purely formalistic manner, because legal certainty that ignores social diversity may produce alienation, inequality, and resistance in society. Therefore, the epistemology of Legal Development Theory must be read as a contextual epistemology: it recognizes legal certainty while also requiring the law to remain responsive to the living conditions of Indonesian society.⁴³

Pancasila becomes important in this framework because it provides a philosophical and normative orientation for legal development. It prevents Legal Development Theory from being reduced to a merely technocratic instrument of development or a legal justification for state power. The values of humanity, unity, deliberation, and social justice within Pancasila require that law guide development toward public welfare, not merely toward economic growth or administrative efficiency. Thus, Pancasila gives Legal Development Theory a deeper epistemological character: legal knowledge is justified

⁴² Nugroho.

⁴³ Andi Sugirman, "Penguatan Prinsip-Prinsip Negara Hukum Pancasila Melalui Administrasi Pemerintahan Daerah Di Indonesia," *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 23 (October 2024): 96–108, <https://doi.org/10.30863/ekspose.v23i2.6773>.

not only by formal validity and developmental function but also by its ability to reflect the moral, social, and constitutional aspirations of the Indonesian nation. In this sense, Pancasila strengthens Legal Development Theory as an Indonesian legal epistemology that balances legal certainty, social responsiveness, and substantive justice.⁴⁴

This position also responds to the problem of legal pluralism in Indonesia. The coexistence of state law, customary law, religious norms, and local social practices shows that Indonesian legal development must reconcile different normative orders without sacrificing legal certainty. Legal pluralism can enrich legal reform by enabling law to recognize social realities often neglected by centralized legislation. However, pluralism also creates challenges, including overlapping authority, unequal access to justice, and uncertainty in the application of the law. Therefore, the epistemological foundation of Legal Development Theory should not only emphasize law as a means of orderly development, but also law as a mechanism for harmonizing plurality through justice, participation, and constitutional legitimacy.⁴⁵

B. The Relevance and Position of Legal Development Theory in the Epistemological Map of Modern Legal Science in Indonesia

In the development of modern legal science, legal theory has increasingly moved from rigid formalism toward approaches that are more contextual, functional, and socially responsive. Within this broader movement, Legal Development Theory occupies a distinctive position. It does not abandon the importance of legal certainty, but it also refuses to reduce law to a closed system of statutory rules. Its relevance lies in its ability to connect legal norms, social change, development needs, and

⁴⁴ Fitria Esfandiari, "Pancasila Legal System: Balancing The Fulfillment Of National Moral Values And Law Enforcement In Indonesia," *Indonesian Journal of Law and Economics Review*, January 2024, <https://doi.org/10.21070/ijler.v19i1.999>.

⁴⁵ Imam Mustofa et al., "Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu'amalah of the Muslim Community of Banjar," *Al-Manahij: Jurnal Kajian Hukum Islam* 19 (November 2025): 289–312, <https://doi.org/10.24090/mnh.v19i2.14792>.

national values. Therefore, the theory can be positioned as an integrative legal epistemology for Indonesian legal reform.⁴⁶

The relevance of Legal Development Theory becomes clearer when placed in the context of contemporary Indonesian legal problems. Indonesian law faces rapid social, economic, technological, and environmental changes. Legal reform is therefore not only a matter of producing new statutes, but also of ensuring that law can respond to changing social realities. Recent scholarship on digital government in Indonesia shows that digital development has improved public services but has also produced legal challenges related to integration, accountability, transparency, and institutional coordination.⁴⁷ This confirms that the law must be adaptive, not merely formal.

Digital transformation is one contemporary field that demonstrates the continued relevance of Legal Development Theory. The development of digital government requires law to guide technological change, ensure institutional accountability, and protect citizens as users of public services⁴⁸. Setyawan and his co-authors argue that Indonesia needs a dedicated legal framework and institutional structure to regulate, implement, and evaluate digital government to deliver services that are efficient, accountable, transparent, fast, accessible, and cost-effective. This reinforces the point that law must function as a means of directing development, not merely as a passive regulatory response.⁴⁹

At the same time, digital development also shows why Legal Development Theory must be applied carefully. If legal reform focuses only on modernization and technological efficiency, it may neglect

⁴⁶ Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan / Mochtar Kusumaatmadja* (Bandung: PT Alumni, 2006).

⁴⁷ Yhannu Setyawan et al., "Digital Government Post-Reform in Indonesia: Normative Developments and Implementation by State Organizing Institutions," *LAW REFORM* 21 (April 2025): 155–79, <https://doi.org/10.14710/lr.v21i1.68556>.

⁴⁸ Diandra Preludio Ramada and Indah Sri Utari, "Unveiling the Surge in Corruption: A Menacing Threat to Indonesia's Stability in Anti-Corruption Law Reform," *Journal of Law and Legal Reform* 5, no. 1 (2024), <https://doi.org/10.15294/jllr.vol5i1.2092>.

⁴⁹ Shidarta, "Mochta Kusuma Atmaja & Teori Hk.Pembangunan (Dari Wacana Pinggir Menuju Kritik."

public participation, equal access, and substantive justice. The theory becomes relevant when law ensures that digital transformation benefits society broadly and does not merely serve bureaucratic or technocratic interests.⁵⁰ Therefore, the law's developmental function must be linked to democratic accountability. This is consistent with the article's position that Legal Development Theory is a solution only when participatory and justice-oriented principles guide its instrumental function.⁵¹

The same relevance applies to the fields of sustainable development and energy law. Recent research in LAW REFORM shows that Indonesia's energy policy still faces a gap between normative ideals and practical realities. Kartika and her co-authors find that existing policies often fail to ensure equitable distribution, meaningful public participation, and adequate environmental protection.⁵² This finding is significant for the present discussion because it illustrates the exact problem addressed by Legal Development Theory: law must not merely support development but also direct it toward justice, sustainability, and public welfare.

In this context, Legal Development Theory can serve as an epistemological framework for evaluating whether development-oriented law truly fulfills its social function. Energy regulation, environmental law, and climate policy require law to balance economic growth, ecological protection, and social justice. If the law only facilitates development without ensuring equitable distribution and environmental protection, then it fails to function as a means of social renewal. Therefore, the theory remains relevant because it helps clarify that development must be normatively directed, socially accountable, and oriented toward sustainable public welfare.⁵³

The position of Legal Development Theory in modern Indonesian legal epistemology may therefore be described as intermediate and

⁵⁰ Sholihul Huda, *Dasar-Dasar Filsafat: Sebuah Pengantar*, Penerbit S (Yogyakarta, 2023).

⁵¹ Endrik Safudin, *Memahami Teori Hukum Percikan Pemikiran Ilmu Hukum Lintas Mazhab*, (Yogyakarta: Q-Media, 2022).

⁵² I Gusti Ayu et al., "Quo Vadis Energy Legal Policy towards Equitable and Sustainable Development in Indonesia" 21, no. 2 (2025): 266–94.

⁵³ Aulia, "Hukum Pembangunan Dari Mochtar Kusuma- Atmadja : Mengarahkan Pembangunan Atau Mengabdikan Pada Pembangunan ?" hlm. 376

conditional. It is intermediate because it stands between legal positivism and socio-legal approaches. From legal positivism, it retains legal certainty, institutional order, and formal structure. Socio-legal thought holds that law must respond to social conditions and development needs. It is conditional because its relevance depends on whether clear legal criteria, public participation, and substantive justice define development. This position prevents the theory from being reduced either to formalism or to political instrumentalism.⁵⁴

Recent scholarship on law, development, and efficiency also strengthens the need to operationalize Legal Development Theory through clearer criteria. Prayoga argues that applying the theory to justify policy may be inefficient when it primarily benefits those close to political power; therefore, law as a means of development requires public participation.⁵⁵ This argument helps refine the theory's epistemological position. A development-oriented law should be assessed not only by whether it accelerates policy but also by whether it improves social welfare, avoids capture by power, and meaningfully involves the public.⁵⁶

The comparison with Progressive Law and Integrative Legal Theory remains relevant, but it should not dominate the discussion. Legal Development Theory differs from Progressive Law in that it places greater emphasis on the law's institutional role in directing development. In contrast, Progressive Law emphasizes human consciousness and substantive justice in legal practice. However, these theories may complement each other. Progressive Law can function as a moral corrective to the instrumental tendency of Legal Development Theory, while Legal Development Theory provides an institutional framework for planned reform. This relationship supports the idea that the theory is a solution when integrated with justice-oriented principles.

The theory is also relevant to legal education and legal scholarship. Indonesian legal science should not merely reproduce legal doctrines but must train legal reasoning capable of understanding the interactions

⁵⁴ Aulia.hlm. 372

⁵⁵ Prayoga, "Antara Idealisme Dan Pragmatisme : Hukum Yang Efisien Sebagai Sarana Pembangunan."

⁵⁶ Martin Roestamy, *Mencari Ilmu Pengetahuan Hukum (Pendekatan Metodologi, Teori Dan Filsafat Hukum)* (Ponorogo: Unida Press, 2024).

among law, society, technology, and development. In this regard, Legal Development Theory encourages legal scholarship to remain connected with national needs while still maintaining critical distance from political power. The theory, therefore, contributes not only to legal policy but also to the formation of a legal epistemology that is contextual, functional, and responsive to social transformation.

Accordingly, the contemporary relevance of Legal Development Theory lies not in its historical association with the New Order period, but in its capacity to be reinterpreted for present legal reform⁵⁷. Its relevance depends on adaptation and innovation in responding to social and global change.⁵⁸ This means that the theory should not be frozen as a doctrine of past development politics. Instead, it should be reconstructed as a critical framework for assessing whether Indonesian legal reform is orderly, participatory, equitable, sustainable, and constitutionally grounded.

Thus, Legal Development Theory occupies an integrative yet limited position in modern Indonesian legal epistemology. It is integrative because it connects legal certainty, social change, development, and national values. It is limited because it must be prevented from becoming an instrument of state power. Its strongest contribution lies in bridging the gap between law as a normative order and law as a tool of social transformation. Its weakest point appears when development is defined without public participation or clear criteria of justice. This balance is essential for positioning the theory as an epistemological solution for Indonesian legal reform.

The relevance of Legal Development Theory in modern Indonesian legal science is strengthened when situated within the framework of Pancasila, social plurality, and the constitutional purpose of public welfare. Indonesian legal reform cannot be understood merely as the enactment of new statutes or the acceleration of regulatory change. It must be assessed by whether the law can respond to the diversity of

⁵⁷ Indah Sri Utari et al., "Legal Protection for Child Sexual Violence Victims: Victimology Perspectives, Challenges, and Policy Solutions in Asia," *Jurnal Suara Hukum* 8, no. 1 (2026), <https://doi.org/10.26740/jsh.v8n1.p40-77>.

⁵⁸ Rafiqi, "Re-Reading Mochtar Kusumaatmadja's Theory of Development Law: Exploring the Philosophical Basis and Considering Relevance."

society, accommodate competing interests, and direct development toward the welfare of the people. In this regard, the law should not be applied rigidly, because a rigid model of legality may fail to address the complex realities of Indonesian society. However, flexibility must not eliminate legal certainty. The task of Indonesian legal reform is therefore to build a legal order that is both certain and responsive, both normative and socially grounded, both developmental and justice-oriented.⁵⁹

This is where Legal Development Theory may contribute as a conditional epistemological solution. The theory is relevant because it gives law an active role in guiding social change and national development. Nevertheless, development-oriented law must be controlled by meaningful participation and substantive justice. Recent Indonesian legal scholarship on meaningful participation shows that public involvement in law-making should not be reduced to procedural formality.⁶⁰ It must include the right to be heard, the right to have public input considered, and the right to receive an explanation regarding the acceptance or rejection of public aspirations. If development-oriented legal reform ignores meaningful participation, the law risks losing its social legitimacy and becoming vulnerable to the same instrumentalism that Legal Development Theory criticizes.⁶¹

Furthermore, participation is also essential in development contexts because affected communities are often the first to experience the social, environmental, and economic consequences of legal policy. Studies on public participation in Social Impact Assessment emphasize that participation should protect affected communities and move beyond procedural compliance toward genuine, rights-based engagement. This insight is directly relevant to Legal Development

⁵⁹ Irianto, "Legal Education for The Future of Indonesia : A Critical Assessment LEGAL EDUCATION FOR THE FUTURE OF INDONESIA :"

⁶⁰ Mochamad Adli Wafi and Muhammad Machshush Bill Izzi, "Integrating Electronic Participation in the Legislative Process to Optimize the Fulfillment of Meaningful Participation: Integrasi Electronic Participation Dalam Proses Legislasi Sebagai Optimalisasi Pemenuhan Meaningful Participation," *Jurnal Konstitusi* 21, no. 4 SE-Articles (December 2024): 518–41, <https://doi.org/10.31078/jk2141>.

⁶¹ Zainal Mochtar et al., "From Meaningful to Meaningless Participation: The Tragedy of Indonesia's Omnibus Law on Job Creation," *Jurnal Media Hukum* 31 (December 2024): 351–70, <https://doi.org/10.18196/jmh.v31i2.23557>.

Theory because development cannot be justified only by state objectives or economic indicators. Development must be legally legitimate, socially accepted, and substantively just. Therefore, Legal Development Theory remains relevant in Indonesian legal reform only when it is reconstructed through Pancasila, legal certainty, social plurality, meaningful participation, and the constitutional commitment to public welfare.⁶²

Through this reconstruction, Legal Development Theory is no longer positioned merely as a theory that supports development. It becomes a framework for evaluating whether development-oriented law is normatively justified, socially legitimate, and constitutionally directed. Its contribution lies in bridging legal certainty and social change. In contrast, its limitation lies in the risk of becoming state-centered if it is detached from participation, justice, and the plural character of Indonesian society. For this reason, the theory should be understood as a conditional epistemological framework: it can support Indonesian legal reform, but only when law remains faithful to Pancasila, responsive to social diversity, and oriented toward the welfare of the people.

C. Synthesis: Legal Development Theory as a Conditional Epistemological Solution

Based on the discussion above, Legal Development Theory should be understood as a conditional epistemological solution for Indonesian legal reform. It is a solution because it overcomes the limitations of rigid legal positivism and provides a framework that connects law to social needs, development objectives, and national values. It also restores the law's active function as a means of guiding social change in an orderly manner. In this respect, the theory contributes to the development of Indonesian legal science by offering a contextual and reform-oriented understanding of law.

However, the theory is not an unconditional solution. Its main epistemological risk lies in the possibility that law may be reduced to an instrument of state development. When development is defined without public participation, legal certainty, substantive justice, and

⁶² Suaree and Uz Zaman, "Public Participation in Social Impact Assessment: Comparative Human Rights Legal Approaches in Malaysia and Indonesia."

constitutional control, Legal Development Theory may shift from a theory of social renewal into a justification for political power. This risk explains why criticism of instrumentalism and state-centered legal politics must not be treated as external to the theory. Instead, it must be incorporated into the theory's epistemological limits.

Therefore, the proper position of Legal Development Theory is neither total acceptance nor total rejection. It should be accepted as a solution, but only when democratic and justice-oriented principles balance its instrumental function. It becomes relevant when law guides development toward public welfare, social legitimacy, and constitutional morality. It becomes problematic when the law merely follows political will or legitimizes development without adequate public reasoning. This synthesis clarifies the central argument of this article: Mochtar Kusumaatmadja's Legal Development Theory remains relevant as an epistemological solution for Indonesian legal reform, provided that it is interpreted critically, participatorily, and constitutionally.

Conclusion

The epistemological foundation of Legal Development Theory, as articulated by Mochtar Kusumaatmadja, lies in its effort to position law not merely as a formal system of rules, but as a normative, social, and functional instrument for guiding orderly social transformation. The theory expands the understanding of legal knowledge by connecting legal certainty, social reality, national development, and Indonesian values. In this sense, Legal Development Theory offers an epistemological response to the limitations of rigid legal positivism by enabling law to remain formally valid while also responding to social change and societal needs.

However, this article also finds that Legal Development Theory cannot be positioned as an unconditional epistemological solution. Critical debates from M. Zulfa Aulia, Satjipto Rahardjo, and Bernard Arief Sidharta show that the theory must be read carefully. Aulia's critique reveals the risk that law may no longer direct development, but instead become subordinated to development agendas defined by political power. Satjipto's Progressive Law reminds us that development-oriented law must remain centered on human beings and substantive justice. Bernard Arief Sidharta's thought strengthens the methodological

requirement that legal development must be grounded in legal reasoning, legal science, and the formation of Indonesian national legal knowledge.

Within the epistemological map of modern Indonesian legal science, Legal Development Theory occupies an integrative but conditional position. It bridges the positivistic concern for legal certainty and order with the socio-legal concern for responsiveness, participation, and justice. Its relevance is not limited to the historical context of national development during the New Order period. Still, it may also extend to contemporary legal reform in areas such as public participation, environmental governance, energy transition, digital government, and sustainable development. Nevertheless, this relevance depends on whether the theory is reconstructed through clear normative limits.

Pancasila plays an important role in this reconstruction. As the philosophical foundation of Indonesian law, Pancasila prevents Legal Development Theory from becoming merely technocratic, state-centered, or economically oriented. The values of humanity, unity, deliberation, social justice, and public welfare provide a normative direction for development-oriented law. In a plural society such as Indonesia, the law cannot be applied rigidly because it must accommodate diverse religions, cultures, customary practices, economic interests, and social conditions. At the same time, legal flexibility must remain connected to legal certainty and constitutional legitimacy.

This article, therefore, concludes that Mochtar Kusumaatmadja's Legal Development Theory should be understood as a conditional epistemological framework for Indonesian legal reform. It becomes a solution when its instrumental function is controlled by Pancasila, legal certainty, meaningful public participation, substantive justice, constitutional values, and critical legal reasoning. Conversely, it becomes problematic when development-oriented law ignores social legitimacy, affected communities, legal pluralism, and democratic safeguards. Thus, the theory remains relevant not as an absolute doctrine of development, but as a contextual and critical framework for directing Indonesian legal reform toward orderly, participatory, and socially just transformation.

Recommendation

Based on the foregoing conclusions, several recommendations may be proposed. First, Legal Development Theory should be operationalized through clear normative criteria in legal reform. Development-oriented legislation should not be justified merely by reference to national progress, economic growth, or administrative efficiency. It must be examined in terms of legal certainty, constitutional conformity, Pancasila values, substantive justice, and social legitimacy.

Second, Pancasila should be placed as the philosophical foundation for reconstructing Legal Development Theory. The values of humanity, unity, deliberation, social justice, and public welfare should function as normative limits to ensure that law does not become merely an instrument of political power or technocratic development.

Third, public participation should be treated as an epistemological requirement in development-oriented law-making. Society should not be positioned merely as an object of regulation, but as a source of legal knowledge and legitimacy. Therefore, law-making processes should ensure meaningful participation through the right to be heard, the right to have public input considered, and the right to receive explanations regarding the acceptance or rejection of public aspirations.

Fourth, Legal Development Theory should be applied carefully in a plural society. Indonesian legal reform must recognize the diversity of religions, customs, cultures, local wisdom, economic conditions, and social interests. This recognition does not mean abandoning legal certainty, but requires the law to harmonize plurality through constitutional legitimacy, justice, and public welfare.

Fifth, legal education and legal scholarship should teach Legal Development Theory together with its critiques and limits. The theory should not be presented merely as a doctrine that supports development, but as a framework that requires critical assessment of the relationship between law, power, society, Pancasila, and justice. This approach would help preserve its value as an Indonesian contribution to legal epistemology while preventing its reduction into state-centered instrumentalism.

Sixth, future research should examine the application of Legal Development Theory in concrete sectors of Indonesian legal reform.

Further studies may examine its relevance to the development of development-oriented legislation, environmental licensing, renewable energy policy, digital government, public service reform, artificial intelligence governance, and judicial interpretation. Such sectoral studies are necessary to test whether Legal Development Theory can operate as a practical epistemological framework for reform or whether it continues to face the risk of instrumentalism in legal practice.

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