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## Capturing Various Ideas of Law and Justice in Indonesia and Global Perspective

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The discourse on the relationship between law and justice has long been the subject of debate and discussion ranging from philosophical to practical studies. This theme of the relationship between law and justice also gave birth to various schools of different legal thought. In fact, there is not a single school that denies that law is inseparable from justice. The difference is only when and what the measure of fairness is.<sup>1</sup>

The concept of justice that is most often used as a basis—Aristotle and John Rawls—also gives rise to many differences and discourses. Aristotle expresses justice with the phrase justice consists in treating equals equally and unequally, in proportion to their inequality. Meanwhile, according to John Rawls,

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<sup>1</sup> Tom Campbell, *What Justice is About*. (Palgrave, London, 1988), pp. 1-35; Jon Mandle, *Rawls's 'A Theory of Justice': An introduction*. (Cambridge University Press, 2009).

justice is basically a principle of rational policy which is applied to the conception of the sum of the welfare of all groups in society. To achieve this justice, it is rational if someone imposes the fulfillment of his desires in accordance with the principle of usefulness, because it is done to increase the net profit from the satisfaction obtained by members of his community.<sup>2</sup>

The various handling of legal cases that occurred, especially in Indonesia, drew a lot of criticism. Starting from the inconsistency of law enforcement to legal practices that are considered far from the values of justice. Law and justice have broad dimensions, various interpretations, and possibly different understandings.<sup>3</sup>

The dimensions and practices of "*justice*" in Indonesia are also diverse, whether they are colored by traditional values, Islam, or the ideology of Pancasila. However, in practice, what is interpreted as justice by one group may not be considered as something fair for another group. Therefore, the debate over law and justice continues to this day.<sup>4</sup>

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<sup>2</sup> Delba Winthrop, "Aristotle and Theories of Justice." *American Political Science Review* 72, No. 4 (1978): 1201-1216; Allan Beever, "Aristotle on Equity, Law, and Justice." In *Legal theory* 10, No. 1 (2004): 33-50.

<sup>3</sup> Wojciech Dziejciak, "Axiological basis for the application of law—a perspective of the equitable law." *Studia Iuridica Lublinensia* 24, No. 2 (2015): 49-71; Max Hamburger, "Equitable Law: New Reflections on Old Conceptions." *Social Research* (1950): 441-460.

<sup>4</sup> More practices regarding justice in Indonesia, *please see* Emy Hajar Abra, and Rofi Wahanisa. "The Constitutional Court Ultra Petita as a Protection Form of Economic Rights in Pancasila Justice." *JILS (Journal of Indonesian Legal Studies)* 5, No. 1 (2020): 187-224; Cahya Wulandari, Sonny Saptajie Wicaksono, and Umi Faridatul Khikmah. "Paralegal Existence in Providing Access to Justice for the Poor in Central Java." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, No. 2 (2019): 199-206; Prasasti Dyah Nugraheni, "The New Face of Cyberbullying in Indonesia: How Can We Provide Justice to the Victims?." *The Indonesian Journal of International Clinical Legal Education* 3, No. 1 (2021): 57-76.

This edition of Lex Scientia Law Review presents various papers related to law and justice and various perspectives. With the topic "*Development of Equitable Law in Indonesia and Global Perspective*", it is expected that this edition will provide a discourse for the development of law in the study of law and justice both in Indonesia and a wider global perspective.

For example, the paper written by Cahya Wulandari et al, "*Penal Mediation: Criminal Case Settlement Process based on the Local Customary Wisdom of Dayak Ngaju*", emphasizes how the process of resolving criminal law cases is based on traditional and local customary values in the Dayak community. According to Wulandari et.al the application of penal mediation by prioritizing traditional values can provide a sense of justice for the community.

Another articles, "*Protection of Indonesian Migrant Workers in China: The Government's Role and Legal Aspects*" written by Tri Sulistiyono et al also emphasizes the concept of legal protection and justice, especially for Indonesian migrant workers in China. According to Sulistiyono et.al, by providing adequate legal protection through various legal instruments and institutional means, it will encourage the realization of a sense of justice and legal certainty.

Faizal Kurniawan et.al observed how the concept of balance and justice and various cases of cancellation of the agreement. Meanwhile, Putu Gede Arya Sumerta Yasa et al, emphasized how legal certainty and justice should be in tax law enforcement in the practice of automatic exchange information.

Other articles also capturing the legal certainty and justice in the digital law as highlighted by Stefan Koos. Muhammad Bahrul Ulum et.al critically examined the EU's legal capacity for external relations at the World Trade Organization and identified the impact of the EU member states to become members of WTO. And Ngboawaji Daniel Nte et.al highlighted and captured the national security policy

and education to ensure the national stability as well the implementation of justice itself.

## References

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