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## Justice and Equality: The Endless Question

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The discourse on justice and equality is not only a concern for Indonesia but also for the global context. Justice and equality are understood in various contexts, both in relation to where justice and equality are applied, when and to whom. But basically, justice and equality have the same goal, which is to ensure that everyone feels safe and gets the same treatment without discriminating against anything.

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For the umpteenth time, justice becomes an endless discussion. Many experts try to interpret justice, but again what we find are different practices, unequal understandings, and feelings that often disturb the conscience. There have been many cases that have highlighted justice, not only in Indonesia but also in the

global context, and many international cases have also had a significant impact on the general public's view of justice and equality itself. Even in the previous edition, Lex Scientia Law Review Volume 6 Issue 1, June 2022 also raised the topic of justice, starting from the concept of justice in penal mediation based on local wisdom values<sup>1</sup>, justice and protection for Indonesian migrant workers<sup>2</sup>, European Union supranationalism in the context of equality<sup>3</sup>, justice in various agreement schemes<sup>4</sup>, transparency and fairness in tax information<sup>5</sup>, to how justice and national security are supported by intelligence.<sup>6</sup>

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<sup>1</sup> See Cahya Wulandari, Esmi Warassih Pujirahayu, Edward Omar Sharif Hiariej, Muhamad Sayuti Hassan, and Juan Anthonio Kambuno. "Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju". *Lex Scientia Law Review* 6, No. 1 (2022): 69-92. <https://doi.org/10.15294/lesrev.v6i1.54896>.

<sup>2</sup> See Tri Sulistiyono, Pratama Herry Herlambang, Safari Chandra, Moch Fahmi Abdulaziz, and Nur Arissa Izzati binti Mohamad Roki. "Protection of Indonesian Migrant Workers in China: The Government's Role and Legal Aspects". *Lex Scientia Law Review* 6, No. 1 (2022): 93-120. <https://doi.org/10.15294/lesrev.v6i1.55112>.

<sup>3</sup> See Muhammad Bahrul Ulum, Sripathi Dwarakanath, and Gautama Budi Arundhati. "Constitutional Debate on European Union's Shifting Pathway towards Supranationalism". *Lex Scientia Law Review* 6, No. 1 (2022): 1-32. <https://doi.org/10.15294/lesrev.v6i1.54284>.

<sup>4</sup> See Faizal Kurniawan, Xavier Nugraha, Gio Arjuna Putra, Vicko Taniady, and Bart Jansen. 2022. "The Principle of Balance Formulation as the Basis for Cancellation of Agreement in Indonesia". *Lex Scientia Law Review* 6, No. 1 (2022): 121-156. <https://doi.org/10.15294/lesrev.v6i1.55468>.

<sup>5</sup> See Putu Gede Arya Sumerta Yasa, Seguito Monteiro, Bima Kumara Dwi Atmaja, Kadek Agus Sudiarawan, and Ni Komang Tari Padmawati. "Automatic Exchange of Information (AEOI) for Indonesian Tax Purposes: Economic Analysis of Law Approach". *Lex Scientia Law Review* 6, No. 1 (2022): 157-186. <https://doi.org/10.15294/lesrev.v6i1.55143>.

<sup>6</sup> See Ngboawaji Daniel Nte, Vigo Augustine Teru, and Nadiyah Meyliana Putri. "Intelligence Education for National Security and Public Safety Policy: A Comparative Analysis of Nigeria, South Africa, and Indonesia". *Lex Scientia Law Review* 6, No. 1 (2022): 187-218. <https://doi.org/10.15294/lesrev.v6i1.54431>.

However, this discussion—regarding justice and equality—is still continuing in this edition of *Lex Scientia Law Review* Volume 6 Issue 2, December 2022. This current edition attempts to highlight various concepts and practices of justice in various legal studies, both in Indonesia and globally. This is of course understandable, when many leading legal experts and philosophers try to translate justice itself, where Aristotle emphasizes the fulfillment of rights -giving something to everyone according to what is due.<sup>7</sup> While Thomas Hobbes said that the notion of justice is something that is said to be fair if it is based on an agreement that has been mutually agreed upon.<sup>8</sup> Even Plato also stated that the notion of justice is beyond the ability of ordinary humans where justice can only exist in laws and legislation made by experts who especially think about it.<sup>9</sup> Until Socrates emphasized that justice will be created when every citizen feels that the government has carried out its duties properly.<sup>10</sup>

This current edition, *Lex Scientia Law Review*, present various articles related to justice in Indonesia and global context. With carrying the topic “*Mainstreaming Justice in Various Global Context*”, this edition try not only to explore and capture some practices of justice, but also to present a further discourse and study of justice

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<sup>7</sup> See Delba Winthrop, "Aristotle and theories of justice." *American Political Science Review* 72, No. 4 (1978): 1201-1216; Charles M Young. "Aristotle on justice." *The Southern Journal of Philosophy* 27, Supplement (1989): 233-249.

<sup>8</sup> See Andrew J Corsa. "Thomas Hobbes: Magnanimity, Felicity, and Justice." *Hobbes Studies* 26, No. 2 (2013): 130-151; Yevgen Borinshtein, et al. "Phenomena of freedom and justice in the interpretations of T. Hobbes and J. Locke." *Amazonia Investiga* 10, No. 42 (2021): 255-263.

<sup>9</sup> See David Keyt, "Plato on Justice." In *Socratic, Platonic and Aristotelian Studies: Essays in Honor of Gerasimos Santas*. (Springer, Dordrecht, 2011), pp 255-270; Gregory Vlastos. "The theory of social justice in the polis in Plato's Republic." *Interpretations of Plato* (1977): 1-40.

<sup>10</sup> See Darrell Dobbs, "The justice of Socrates' philosopher kings." *American Journal of Political Science* (1985): 809-826; Curtis Johnson. "Socrates on Obedience and Justice." *Western Political Quarterly* 43, No. 4 (1990): 719-740.

in its various forms. *Implementation of Federalism in Nepal: The Devil is in the Detail* written by Robert Brian Smith and Nucharee Nuchkoom Smith captured and analyzed justice and equality in federalism in Nepal after Nepal adopted a new Constitution in 2015 and created a multiparty federal republic. They highlighted that some of regulations in Nepal does not reflect the justice and equality. Another paper, *Enforcement actions and their suspension: the concept and legal regulation in Ukraine, Georgia, Kazakhstan, Armenia* that written by Nataliia Sergiienko, Volodymyr V. Prylovskiy, Mykhailo Burdin, Maryna O. Dei, and Hanna Z. Ostapenko try to compare how the law enforcement (limitation and concept) in four different countries—Ukraine, Gerogia, Kazakhstan, and Armenia. They higlighted the correlation of law enforcement practices and human rights.

Other justice practice discourses are also reflected in the paper entitled *Separation of Powers in the Palestinian Law: Does it Reflect the Democratic System? (A Comparative Approach with Indonesia)* that written by Ahmed M A Hamad, Rachma Indriyani, Ammar M. Mahmoud Al Ramadan, and Riska Andi Fitriano. They argued that separation of powers should be be able to reduce authoritarianism which tarnishes the values of justice and equality. With the separation of powers—executive, judicative, and legislative—justice is expected to be realized and clear legal guarantees. Meanwhile, Anis Widyawati, Pujiyono Pujiyono, Nur Rochaeti, Genjie Ompoy, and Nurul Natasha Binti Muhammad Zaki through their paper *Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions* trying to mainstream the principle of justice in the imposition of criminal sanctions through reform of the legal structure—in Criminal Justice System. Another papers, *Judicial Review in Indonesia: A Simplification Model* written by Ahmad Siboy, Sholahuddin Al-Fatih, Asrul Ibrahim Nur, Nur Putri Hidayah, *Scrutinizing Perseroan Perorangan: The Brainchild of Societas Unius Personae in the Realm of Indonesian Company Laws*

written by David Tan, *Rethinking Indebtedness according to the Principles of Justice and Equality* written by Suwinto Johan, Amad Sudiro, Ariawan Gunadi, and Yuan Yuan Luo, *Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice* written by Rasdi Rasdi, Pujiyono Pujiyono, Nur Rochaeti, Rehulina Rehulina, and *The Procedural Rules Followed Before the Lease Dispute Settlement Committees and Their Compatibility with the Basic Guarantees and Principles of Litigation in Accordance with Qatari Law* written by Basel Al-Nawaiseh, all highlighted and criticized the practices of justice.

Finally, this edition underlined that justice is not only what is stated in the law, but more than that, justice is feeling and heart, justice is life, and justice is the will to protect.

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