



## The Dialectics of *TheoLogis* and *TheoLegis* in the Meaning of Justice

Sidik Sunaryo<sup>1</sup>, Shinta Ayu Purnamawati<sup>2\*</sup>, Ridwan Arifin<sup>3</sup>

<sup>1,2</sup> Faculty of Law, University of Muhammadiyah Malang, Malang, East Java, 65144, Indonesia

<sup>3</sup> Faculty of Law, University of Barcelona, Barcelona, 08034, Spain

\* Corresponding author: [sweetest\\_shinta@umm.ac.id](mailto:sweetest_shinta@umm.ac.id)

Article	Abstract
<p><b>Keywords:</b> Theologis Justice; Theologis Justice; Legal Philosophy; Legal Theology; Pancasila.</p> <p><b>Article History</b> Received: Feb 8, 2026; Reviewed: Feb 11, 2026; Accepted: Mar 26, 2026; Published: Mar 28, 2026.</p>	<p><i>This article examines the meaning of justice through the dialectical relationship between TheoLogis justice and TheoLegis justice as two epistemological horizons in shaping and enforcing law. The study seeks to clarify the interaction between transcendental moral values and comprehensive understanding of justice through legal reasoning within contemporary legal systems. TheoLogis justice is conceptualised as a value orientation grounded in divine revelation and moral theology, providing law with a transcendental ethical foundation. However, when detached from epistemic humility, TheoLogis justice may risk formalisation and authoritarian domination. By contrast, TheoLegis justice situates legal rationality, social experience, and human values as mediating instruments through which divine values are translated into rational, contextual, and publicly accountable legal norms. Using a legal philosophy and legal theology approach, this study demonstrates that justice does not emerge as a fixed or singular concept but as a dialectical process between text and context, between the universality of values and the plurality of social realities. Within the Indonesian context, TheoLegis synthesis acquires constitutional significance through Pancasila, which integrates divine values, humanity, and social justice without reducing law to either secular positivism or normative theocracy. The main contribution of this article is the formulation of the TheoLogis-TheoLegis framework as an alternative conceptual approach for interpreting justice in pluralistic legal systems. In this framework, TheoLegis justice functions as an epistemological bridge that translates transcendental values into rational legal reasoning, enabling law to operate not merely as a coercive instrument but as a form of practical wisdom oriented toward human dignity, social balance, and substantive justice.</i></p>



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## INTRODUCTION

Scholarly discussions on justice have frequently focused on particular perspectives, not integrating broader philosophical and legal dimensions. Some studies emphasise theological foundations of law and governance, such as Sayyid Abul A'la Maududi's *The Islamic Law and Constitution*, which situates justice within Islamic legal thought. Other works analyse justice from philosophical and ethical perspectives, including the ideas of Aristotle, Plato, John Rawls, and Murtadha Muthahhari, as well as theological debates between the Mu'tazilite and Ash'arite schools (Wahidin et al., 2025). Similarly, studies on Islamic social justice examine Qur'anic and prophetic principles in shaping social order and communal life (Mantu, 2017).

Despite these contributions, existing scholarship often treats theological values and legal rationality as separate domains. Therefore, the interaction between transcendental moral values and legal reasoning remains underexplored, particularly within plural legal systems where religion, morality, and legal institutions coexist. The interpretation of justice itself may take multiple perspectives constructed by moral consciousness and social context (Kurniawan, W., & Al-Fatih, S., 2021). Meanings derived from moral intuition, religious awareness, and personal experience reflect the concept of *TheoLogis* justice, whereas meanings established through observation, rational reasoning, and social interaction constitute *TheoLegis* justice.

In criminal law, the meaning of justice is closely related to *mens rea*, which underpins moral and legal responsibility. Contemporary theory increasingly recognises that *mens rea* should be understood not merely as a psychological condition but as a normative foundation linked to moral agency and reasons for action. As Duff argues, criminal responsibility ultimately represents moral responsibility because criminal law evaluates individuals not only by their actions but also by the intentions underlying them (Duff, 2017; Duff, 2021).

Within this framework, the distinction between authentic intention and imitative intention becomes important. Authentic intention represents internal moral conviction shaped by personal awareness (*TheoLogis*), whereas imitative intention emerges through social rationalisation influenced by institutional expectations and social pressures (*TheoLegis*). In other words, intention arises from the interaction between individual moral consciousness and the surrounding normative environment.

This distinction can also explain corruption crimes, often intended to enrich oneself or another person. From a rational perspective, corruption may be justified through cost-benefit calculations, illustrating how imitative intention develops within institutional contexts that normalise rationalised wrongdoing.

From a theological perspective, law must demonstrate moral values stemming from divine revelation, since justice aims not merely at punishment but at protecting human dignity (Aminullah, 2022). Nevertheless, recent legal frameworks in Indonesian criminal law—including Law No. 1 of 2023, Law No. 20 of 2025, and Law No. 1 of 2026—remain largely established in a rational-legal paradigm emphasising formal legality rather than the deeper moral and theological foundations of justice (Sunaryo, 2022).

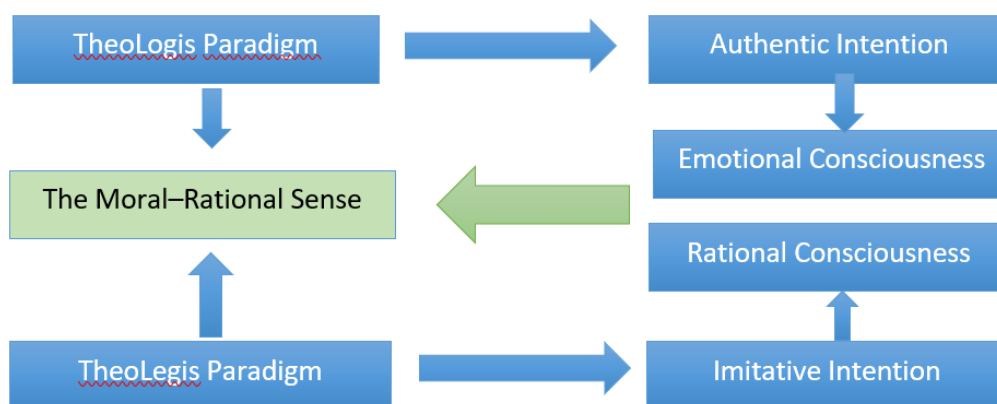
Consequently, contemporary legal systems risk producing logical and ethical distortions when legal reasoning is restricted to procedural legality. Similar tendencies can be observed in corruption legislation under Law No. 31 of 1999, Law No. 20 of 2001, and Law No. 3 of 1971, whose normative structures often reflect political rationalisation rather than a comprehensive moral conception of justice.

Against this background, this article proposes a *TheoLogis-TheoLegis* dialectical framework for interpreting justice. *TheoLogis* justice explores justice through transcendental moral consciousness entrenched in divine values, whereas *TheoLegis* justice interprets justice through rational legal reasoning constructed by social experience. The interaction between these perspectives yields a moral-rational conception of justice that enriches legal interpretation beyond purely positivistic approaches.

Accordingly, this study aims to analyse the meaning of justice through the dialectical interaction between *TheoLogis* and *TheoLegis* perspectives within contemporary legal systems. The article contributes theoretically by formulating a *TheoLogis-TheoLegis* model of justice that conceptualises justice as a dynamic process arising from the interaction among transcendental values, legal rationality, and social realities, particularly in the context of Indonesian constitutionalism and Pancasila values. Similarly, the regulation of corruption crimes under Law No. 31 of 1999, Law No. 20 of 2001, and Law No. 3 of 1971 concerning the Eradication of Corruption—currently applicable in Indonesia—does not embody the meaning of justice within the paradigms of *TheoLogis* and *TheoLegis*. Rather, their substantive provisions represent the crystallisation of political rationalisations prevailing at the time these statutes were enacted (Sunaryo, 2022).

To clarify this interaction, the dialectical relationship between *TheoLogis* and *TheoLegis* in identifying authentic and imitative intention is illustrated in the following conceptual model.

**Figure 1. Dialectical Model of *TheoLogis* and *TheoLegis* Justice in Identifying Authentic and Imitative Intention**



Source: Author, 2026

This model illustrates the dialectical relationship between the *TheoLogis* and *TheoLegis* paradigms in interpreting intention in legal reasoning. The *TheoLogis* paradigm approaches intention through emotional-moral consciousness, reflecting internal moral conviction (authentic intention). In contrast, the *TheoLegis* paradigm examines intention through rational consciousness, reflecting socially constructed reasoning (imitative intention). The interaction between these two dimensions generates a moral-rational sense of justice that informs judicial interpretation and the assessment of criminal responsibility.

## METHOD

This study employs a normative-conceptual legal research approach, combined with philosophical and doctrinal analysis, to examine the meaning of justice through the dialectical relationship between the *TheoLogis* and *TheoLegis* perspectives. Normative legal research is considered appropriate for analysing legal values, principles, and conceptual frameworks rather than empirical behaviour (Tamanaha, 2022).

The analysis focuses on legal philosophy, criminal responsibility, Islamic legal thought, and constitutional theory. Instead of empirical data, the study relies on conceptual interpretation and normative reconstruction derived from contemporary legal scholarship. Recent studies emphasise that criminal responsibility should be understood as a moral and normative construct rather than merely a psychological condition (Duff, 2021; Humam Balya et al., 2025). Accordingly, this research examines the conceptual foundations of justice by analysing philosophical arguments and normative principles related to *mens rea* (criminal intent) and moral responsibility.

Primary materials consist of recent academic literature discussing criminal law theory, legal pluralism, Islamic legal philosophy, and Pancasila-based constitutional thought. These materials are analysed using conceptual analysis and critical interpretation to identify normative assumptions and ethical implications within prevailing theories of justice (Kamali, 2022; Menski, 2010).

Methodologically, the study adopts a dialectical analytical framework structured through the interaction of thesis, antithesis, and synthesis. The thesis represents the positivistic tradition, emphasising textual legality and formal rationality. The antithesis emerges from critiques of legal positivism that highlight the moral and transcendental dimensions of justice. The synthesis is formulated through the *TheoLogis-TheoLegis* framework, integrating transcendental values with legal rationality in interpreting justice.

Philosophically, this approach draws upon Gadamerian hermeneutics, which views interpretation as shaped by historical consciousness and the interpreter's horizon of understanding (Gadamer, 2006). To complement this perspective, the study also utilises George Ritzer's paradigms of social facts and social definition to analyse both institutional legal structures and subjective meanings constructed by legal actors in interpreting justice (Ritzer, 2008).

Within this framework, Pancasila values function as the normative standard for examining the ideological rationality of justice from a *TheoLogis* perspective, while religious values serve as the ethical foundation for analysing the moral consciousness underlying *TheoLogis* justice. Through this combined hermeneutic-dialectical approach, the study offers a more comprehensive interpretation of justice that goes beyond the limitations of purely positivistic legal reasoning (Purwono, 2024; Tamanaha, 2022).

## RESULTS AND DISCUSSION

### The Dialectics of the Meaning of *TheoLogis* Justice

The term *TheoLogis* justice is derived from religious values that refer to and originate in divine revelation, along with its various derivations. *TheoLogis* justice is often regarded as a conception of justice grounded in the highest standard of legal morality, as it is believed to derive directly from divine command conveyed through prophetic authority. The formula appearing at the head of judicial decisions in Indonesia, which declares “*For the Sake of Justice Based on the Belief in the One and Only God,*” is often understood merely as an administrative and formal requirement of judicial rulings. However, it is rarely treated as a guiding spirit for exploring the divine values that should inform the formulation of legal facts, legal reasoning, and the operative part of the judgment.

Law enforcement officials frequently perceive their task as simply enforcing statutory provisions, thereby functioning merely as the *speaker of law*. Principally, however, the role of legal actors should extend beyond the mechanical application of legislation. Their responsibility is to interpret and articulate the meaning of justice grounded in divine revelation and moral values—thus functioning not merely as the *speaker of law*, but as the *speaker of justice*.

Yet, the concept of *TheoLogis* justice is not singular or monolithic. A “Public sphere” exists in which interpretive authority over divine command is exercised. Historical lineage determines *sanad* as a criterion for assessing the authenticity and personal piety of the prophetic path. At this point, bias in the meaning of *TheoLogis* justice begins to erode its moral force and prophetic character (Hallaq, 2022).

This shift in the meaning of *TheoLogis* justice gives rise to new meanings in a plural form. The sacred dimension of divine command no longer centres on prophetic authority itself, but on the challenge of interpreting the historical message of revelation in the post-prophetic era. The emergence of legal schools (*madhāhib*) thus becomes inevitable, and diversity in the meaning of *TheoLogis* justice becomes a certainty. Yet, diversity within certainty generates epistemic doubt, producing interpretations of *TheoLogis* justice that cannot always be resolved through obedience and submission alone, where epistemic humility is absent (*tawāḍuʿ*). Most legal scholars and law enforcement officials merely quote theologians' views in a purely textual manner, without critically exploring or understanding the historical message that accompanies the revelation of divine guidance in an authentic way. The drafting and formulation of written law are often reduced to the procedural arrangement of statutes intended merely to test the orderliness and systematic structure of legal norms. Scholars frequently devote their efforts to identifying technical flaws and procedural defects within the formulation of statutory provisions rather

than addressing the absence of substantive theological-moral values embedded within those norms.

Similarly, law enforcement officials often restrict themselves to citing statutory identities and formal legal provisions, without demonstrating a willingness or capacity to deeply explore the text's meaning and its contextual significance in their judicial decisions. The plurality of meanings of *TheoLogis* justice no longer authentically reflects the substance of divine command; instead, it mirrors the ideas and constructions of theologians, symbolically coated in religious form (Menski, 2010) (Kamali, 2008; Hallaq, 2009; Menski, 2011).

This transformation generates a paradox within *TheoLogis* justice. On the one hand, divine values are claimed as the highest source of legal legitimacy; on the other hand, interpretations of those values are frequently monopolised by authorities grounded in lineage, doctrinal affiliation, or hierarchical structures. As a result, *TheoLogis* justice ceases to reflect universal divine will and instead embodies human interests and ideas cloaked in religious symbolism. An-Na'im cautions that the use of religious norms as a foundation for public law, absent critical mechanisms, risks sparking injustice, because "Religious norms tend to reflect human interpretation rather than divine will when enforced by state power" (An-Na'im, 2021).

Under such conditions, the plurality of interpretations of *TheoLogis* justice becomes an epistemological inevitability. Yet, this plurality is often perceived as a threat to doctrinal purity and is consequently met with the closure of dialogical space and the reinforcement of orthodoxy. Menski emphasises that legal systems grounded in religion are perpetually situated within a tension between sacred values and social realities, and that attempts to homogenise justice may, in fact, undermine its very substance (Menski, 2010). In other words, *TheoLogis* justice loses its emancipatory potential when the plurality of meaning is marginalised only to stabilise authority.

*TheoLogis* justice, confined in formalism, also tends to shift the orientation of religious practice from an ethical dimension toward a procedural one. Religious rituals are then treated as the primary indicators of obedience, while the values of social justice and human dignity are marginalised. Surahman *et al.* demonstrate that within the philosophy of Islamic law, legal legitimacy is grounded not in symbols of formal piety but in the harmony among ethics, justice, and public welfare (*maslahah*). They emphasise that justice attains ethical legitimacy only when law "reflects moral responsibility and social compassion rooted in divine values" (Surahman, 2025).

Theologians operating within restricted interpretive frameworks often produce a formalistic understanding of *TheoLogis* justice by treating symbolic references to divine command as literal texts detached from their broader ethical and spiritual meaning. In this context, divine texts are frequently used as authoritative sources to justify interpretations that emphasise symbolic legitimacy rather than substantive moral reasoning. Authority may then be grounded in genealogical lineage (*nasab*) as a marker of interpretive legitimacy, despite the relative and contestable nature of such claims. As a result, *TheoLogis* justice may become institutionalised as inherited doctrinal narratives transmitted through texts or lineage-based authority. In practice, this

condition can influence the exercise of judicial independence in Indonesia, where legal reasoning concerning the permissibility of certain acts or objects is sometimes constructed—directly or indirectly—by religious opinions or fatwas issued by organised religious authorities, including the Indonesian Council of Ulama (Majelis Ulama Indonesia) and other religious organisations.

The authority to issue binding interpretations (*fatwa*) on the meaning of *TheoLogis* justice is thus confined to patrons emerging from lineage-based authority within a narrowly defined domestic sphere. The presence of alternative lineages is not considered necessary, as they are perceived as threats to supremacy within the domain of authority (Hallaq, 2022).

The exploration of *TheoLogis* justice is often reduced to ritual religious practice, gradually distancing its meaning from the original ethical foundations derived from divine command. In such conditions, interpretive authority may become resistant to critical reflection and social change, limiting the capacity of *TheoLogis* justice to respond to evolving moral and social realities. Consequently, religion sometimes functions less as a substantive moral framework for determining right and wrong in exercising legislative, executive, and judicial power, and more as a ceremonial expression, such as the recitation of prayers. When religious invocation becomes merely symbolic, it risks losing its role as an ethical guide for public responsibility. In practice, references to divine authority may even be used rhetorically by political actors, law enforcement officials, or legislators to legitimise their actions, while the moral substance of divine values remains insufficiently reflected in legal and political conduct. Theocratic power structures thus operate as both justification and symbolic reformulation of new forms of authority, grounded in ostensibly open interpretations that are obviously closed. Within this context, *TheoLogis* justice follows a conservative path in legal tradition, standing in an asymmetrical contrast to cosmopolitan legal traditions (Hallaq, 2022).

Paradoxically, contradiction becomes both a necessity for maintaining established authority and a prohibited condition. Progress in any field is regarded as a blessing only insofar as it serves the continuity of authority. Conversely, progress perceived as threatening the preservation of authority is framed as a form of rivalry, judged and sanctioned strictly in the name of divine command. Religious values derived from divine command as the primary source are thus assigned varying degrees of worth and classification according to the perceptions and stratification of authority.

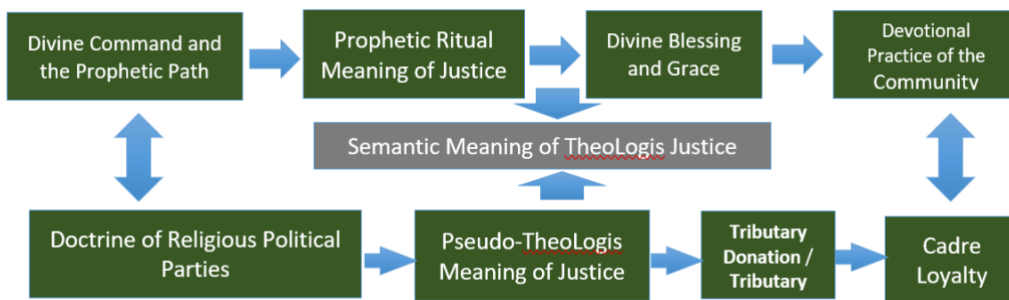
Cases of corruption involving political elites affiliated with religiously oriented parties illustrate the dynamics of the politics of “Value and hierarchy.” In such contexts, competition among political actors grounded in religious identity extends beyond electoral rivalry to the consolidation of material resources as a means of sustaining organisational legitimacy and public image. The notion of a “Sacred mandate” may then be interpreted as an obligation for party members to provide financial support for the organisation, often framed rhetorically as a form of blessing or divine favour. As a result, references to divine authority can function symbolically to legitimise organisational demands, while the ethical scrutiny of the origins of such resources may remain limited.

*TheoLogis* justice consequently assumes a new form as standardised norms endowed with written authority and positioned as the sole law claimed to originate from divine command (Hallaq, 2022). Within this framework, the notion of *kebushū‘* (solemnity) in ritual worship may be interpreted as an authoritative indicator of obedience, shifting its meaning from a reflection of personal piety toward a procedural marker of conformity to authority. Consequently, ritual practice risks becoming an end in itself rather than an ethical measure of virtue. A similar tendency can be observed in judicial practice, where the administration of justice often remains focused on procedural compliance rather than on the substantive quality of judicial reasoning. Judicial performance is frequently evaluated by the number of decisions produced rather than by judges' ethical responsibility to interpret the law in light of deeper moral and spiritual values.

Similarly, the process of law-making is often driven by the political interests of elite groups, particularly party elites, rather than by moral aspirations expressed as obedience to divine command. As a result, the exercise of public authority no longer fully reflects the substantive meaning of the oath of office, which traditionally begins and ends with the invocation of the name of the Almighty God (Williamson, 2007).

A conception of *TheoLogis* justice that emphasises ritual devotion as the primary path toward the ideal of *insān kāmil* may prove insufficient to sustain legitimate authority in complex social and political contexts (Hallaq, 2022). When the ethical substance of divine values is replaced by formal religious symbolism, *TheoLogis* justice risks being instrumentalised to preserve elite authority rather than to maintain moral balance. In such conditions, law-making processes, implementation, and enforcement may shift away from their ethical foundations and become embedded in transactional power relations. Consequently, divine authority may be invoked to legitimise political decisions, while the substantive moral orientation of *TheoLogis* justice is reduced to rhetorical justification serving institutional or elite interests (Hallaq, 2022).

Figure 2. Dialectical framework of *TheoLogis* justice



Source: Author, 2026

The diagram illustrates the dialectical relationship between the prophetic foundations of *TheoLogis* justice and its potential distortion through political and

institutional instrumentalisation. The upper layer represents the ethical pathway of justice grounded in divine command and communal devotion, while the lower layer shows the transformation of religious symbolism into organisational authority, tributary loyalty, and pseudo-theological justification. The interaction between these layers shapes the semantic interpretation of *TheoLogis* justice within contemporary social and political contexts.

### **The Dialectics of the Meaning of *TheoLegis* Justice**

The dialectical relationship between *TheoLogis* and *TheoLegis* justice becomes particularly relevant in interpreting mens rea, the central element of criminal responsibility. *TheoLogis* justice emphasises the subject's moral consciousness before divine values, while *TheoLegis* justice evaluates intention through rational-legal reasoning and institutional standards. In this framework, authentic intention reflects moral conviction grounded in ethical awareness (*TheoLogis*), whereas imitative intention emerges through rational calculation shaped by social and legal contexts (*TheoLegis*). Consequently, mens rea should be understood not merely as a psychological state but as a dialectical interaction between moral responsibility and rational legal evaluation.

*TheoLegis* justice derives from the values of truth and goodness apprehended through human practical reason, understood as a divine endowment that enables humanity to interpret moral and legal norms (Manurung, 2021; Pardede et al., 2023). Therefore, reason functions as the highest human capacity for comprehending both divine values and the order of creation (Alqadri et al., 2026). However, the limits of rationality are illustrated by the concept of distributive justice, where human reasoning can determine with certainty that one portion of inheritance added to another equals two portions. Such numerical certainty represents the highest level of legal rationality (*ratio legis*). Yet when rational consciousness is understood as a divine gift rather than merely instrumental calculation, this certainty acquires a deeper moral meaning. In this sense, *TheoLegis* justice emerges when human reason transcends purely technical rationality and interprets legal certainty within a broader ethical and epistemological framework established in divine values (Berman, 2006).

Written law, however carefully formulated and enforced through sanctions such as imprisonment, fines, or restitution (*legis*), often proves insufficient when relying solely on formal legal coercion. Its effectiveness depends significantly on the internalisation of moral responsibility shaped by theological consciousness, such as beliefs in sin, heaven, hell, or karmic consequence (*theo*) (Pound, 1922). While legal sanctions regulate external behaviour, moral awareness serves as an internal normative force that sustains obedience to law and justice.

Recognising this limitation, *TheoLegis* justice cannot claim exclusive authority in defining justice (Berman, 2006). Rather, it emerges from the awareness that human reason—despite a divine endowment that enables rational legal construction—remains limited in its ability to comprehend the divine will directly. Consequently, *TheoLegis*

justice situates divine values within a dialogical relationship with legal rationality, social experience, and evolving societal values.

In this sense, *TheoLegis* justice integrates divine values (*theo*), legal norms (*legis*), and living law within society into a unified framework. Therefore, it embodies three interrelated principles: legal certainty derived from normative legal structures, justice derived from divine moral values, and social utility derived from the living sense of justice within society (Berman, 2006).

Consensual sexual conduct, when interpreted through the framework of *ratio legis*, does not constitute a formally unlawful act. Both parties voluntarily consent to the conduct, and no party is considered to have suffered direct harm. From this strictly legal-rational perspective, imposing criminal sanctions upon such conduct may appear unjustified, since no clear distinction between perpetrator and victim can be established within the event.

However, when viewed from the perspective of religious values, consensual sexual conduct may be regarded as a sinful act for which individuals are accountable before God. Within this theological perspective, such conduct constructs a different understanding of legal subjects. The individuals who engage in consensual sexual relations may be considered the actors responsible for the act, while their legitimate spouses or families may be viewed as the parties affected by the moral consequences of the conduct. Accordingly, from a religious standpoint, the act may be regarded as deserving moral and, in certain normative frameworks, legal sanction (Duff, 2008).

The phrase “*For the Sake of Justice Based on the One and Only God*” in Indonesian judicial decisions serves a function beyond the formal or symbolic. It reflects the normative principle that justice in lawmaking and law enforcement must be grounded in transcendental moral values rather than merely in procedural legality. In this formulation, justice represents a sacred ethical commitment, while the reference to the One and Only God functions as the moral foundation that animates the pursuit of justice.

Within the Indonesian constitutional framework, this formulation illustrates how divine values are translated into legal reasoning through human conscience and rationality. Asshiddiqie explains that Pancasila constitutionalism does not treat divinity as a legalistic doctrine, but as a source of public ethics that guides the legal order. Accordingly, Indonesian constitutional justice rests on “The integration of divine morality and human rationality in the pursuit of substantive justice” (Asshiddiqie, 2021). In this sense, *TheoLegis* justice represents the institutionalisation of transcendental values within rational legal processes.

The meaning of *TheoLegis* justice constitutes the source of all foundational values of goodness, truth, public welfare (*maṣlahah*), order, and regularity, thereby reflecting the authority and dignity of law from all perspectives. *TheoLegis* justice gives rise to a conception of law that embodies tranquillity and fosters a sense of security, comfort, and peace within both private and public spheres of life. It situates piety as a guiding principle of wisdom in the processes of law-making and law enforcement. *TheoLegis* justice does not position God as an object of sacralised veneration detached from

human affairs; rather, God is manifested through the attribute of *al-'Adl* (the Just) as realised in legal decisions based on divine values.

*TheoLegis* justice places the value of balance at the centre of a humanistic perspective. It guarantees a universal equilibrium between the spiritual and material needs of human beings. *TheoLegis* justice protects human life in accordance with its natural dignity, from conception to death. It ensures and safeguards human dignity, worth, and honour, freely exercised within the bounds of fundamental obligations. Thus, the principle of “A Just and Civilised Humanity” functions as both a pact and a foundational norm, signifying that human values must constitute the ultimate objective of law-making and law enforcement in the pursuit of civilisation.

Criminal law provides protection for the fundamental rights of a fetus in the womb to live in accordance with its God-given nature, recognising such protection as a non-derogable right. Simultaneously, civil law guarantees the legal rights of the fetus as a creation of God by recognising it as a legal subject entitled to inheritance rights, including the entitlement to a reserved portion (*legitime portie*) of the estate. In this respect, the fetus is accorded a legal status equivalent to that of a human legal subject, possessing the legal capacity to hold rights from the moment of its existence in the womb (Murphy, 2005).

*TheoLegis* justice understands legal norms not as products of sovereign will, but as outcomes of an ongoing process of discovering and applying universal human values. In this view, legal norms function not merely as formal expressions of legislative authority but as instruments that guide the exercise of power toward humane and responsible governance. Rather than interfering with constitutional authority, *TheoLegis* justice requires that power be exercised as *amanah* (trust), with the constitution embodying the collective human values that must be realised in practice (Skuratov et al., 2023).

*TheoLegis* justice also seeks to reconcile the tension between universal and plural conceptions of justice. Universal principles, such as the right to a dignified human life, must coexist with plural social responsibilities that require individuals to contribute to the dignity and welfare of others. In this sense, universality does not negate plurality but presupposes it.

From a theological perspective, this balance is reflected in the meaning of work. Labour is not merely economic activity but part of humanity’s moral vocation before God. Sunaryo emphasises that “Working is not only for the sake of earning money... it represents observances of God.” It indicates that work entails both spiritual responsibility to God and social responsibility to family, society, and the state. Consequently, labour law detached from moral and divine values risks losing its ethical legitimacy, since “The law governing employment must always be attached to the moral source of the law... a job as an instruction from God.”

Accordingly, harmony between the rights and obligations of workers and employers constitutes a moral expression of social justice. As Sunaryo notes, such harmony “Represent[s] the morality of regulation regarding decent occupations for humanity to bring about social justice.” In this sense, work transcends worldly

interests, since “the philosophy of working for workers goes beyond the survival of generations... for the sake of the life in the hereafter,” making labour a path toward both worldly welfare and spiritual fulfilment (Sunaryo, 2023).

Such universal and plural facts coexist in both public and private spheres, and this coexistence often generates processes of stratification that produce relations of superiority and inferiority, thereby creating imbalance. Such an imbalance, in turn, produces structural and cultural injustice, which emerges from systemic contests of competence and relational power within the same public and private spaces, yet they result in unequal outcomes. Under these conditions, the meaning of *TheoLegis* justice functions as both a method and a guiding spirit for restoring balance (Menski, 2010). Thus, *TheoLegis* justice serves as a bridge between the universality of justice values and the plurality of social realities. In plural societies, claims of universal justice frequently confront cultural, religious, and lived-experience diversity. Berman emphasises that global legal pluralism demonstrates that normative conflicts cannot be resolved by imposing a single value system. As he argues, “Legal pluralism requires normative engagement rather than hierarchical imposition of authority” (Berman, 2006). From this perspective, *TheoLegis* justice emerges as a method for negotiating universal and plural values through dialogue rather than confrontation.

Furthermore, the meaning of *TheoLegis* justice serves as an epistemological catalyst for discovering and comprehensively understanding justice as a dialectical process. This process unfolds through the interaction between the meaning of the text and context of written legal norms as the thesis, and the meaning of the text and context of unwritten legal values as the antithesis, culminating in a synthesis of justice grounded in divine values. Such dialectical engagement may be pursued through both deductive and inductive methods, applied in a foundational, profound, and comprehensive manner (Berman, 2006).

Perpetrators of terrorism often hold the conviction that their actions constitute the manifestation of a concept of *jihad* which they perceive as a religious obligation grounded in divine command (thesis). In contrast, state law provides the justification that acts of terrorism, regardless of motive, constitute criminal offences subject to legal sanction (antithesis).

Within this framework, criminal sanctions should not merely aim at punishment or deterrence. Rather, they should serve as part of a systematic educational process directed toward offenders, society, and state authorities alike, clarifying that divine revelation should not be interpreted as an ideology of hostility or resistance, but as an ethical foundation for solidarity and the cultivation of brotherhood grounded in the principle of *ukhuwah* (synthesis).

The deductive method yields the essence of values as an interpretation of justice that guarantees the certainty of rights and obligations as the objects of legal norms. Conversely, the inductive method yields the essence of values as an interpretation of justice that ensures the balance between the rights and obligations of legal subjects. *TheoLegis* justice, as an epistemological synthesis, generates the essence of divine values as a progressive interpretation aimed at securing legal certainty infused with social

justice. Social justice thus constitutes the boundary between thesis and antithesis that transcends individual justice. In this framework, *TheoLegis* justice deliberates on the citizens' will alongside the will of state authority within the universal framework of divine values (Berman, 2006).

Environmental law cannot be confined merely to a set of prohibitions and obligations. Rather, environmental protection represents a form of normative syncretism between the concept of nature as a divine gift and the human responsibility to care for the natural world, thereby sustaining the cosmic continuity of life.

For many indigenous communities, inhabiting land and forest environments is understood as part of divine destiny transmitted through ancestral traditions across generations. Within this worldview, the concepts of birth, life, and death are intrinsically intertwined with the natural environment (Hegel, 2021). When the state introduces legal norms consisting of prohibitions and obligations, these longstanding practices, through which indigenous communities maintain a continuous and integrated relationship with their environment, may be interpreted as violations of statutory rules.

From the perspective of indigenous communities, the meaning of justice in environmental management is expressed through the principle of maintaining balance to ensure the sustainability of life in harmony with nature (*Theo*). In contrast, from the state's perspective, the meaning of justice in environmental governance is articulated through the principle of legality, whereby environmental management must be authorised by regulatory permits to prevent environmental degradation. Under this framework, any utilisation of environmental resources without official authorisation may be subject to legal sanctions for the risk of causing environmental harm (*Legis*) (Sherwin, 2001).

The meaning of *TheoLegis* justice “softens” the presence of law exercised by state authority within the sphere of citizenship through wisdom and prudence. *TheoLegis* justice presents law as a necessity of state governance, aimed at fulfilling citizens' needs. Law is no longer positioned as a structural burden or an unquestioned instrument of power; instead, it functions as a cultural means of resolving disputes. Moreover, *TheoLegis* justice closes the space for the infiltration of “Inserted” values covertly embedded within written and unwritten legal norms that have come to be uncritically accepted as doctrines of legality and morality (Berman, 2006).

Marriage constitutes a fundamental right of citizens and, correspondingly, an obligation of the state to guarantee its protection. A marriage is considered valid when it is performed in compliance with the religious laws and beliefs of the parties concerned. Accordingly, the legal validity of a marriage is determined by the requirements prescribed by the respective religious or belief systems of the individuals involved.

Once a marriage has fulfilled the essential pillars and conditions prescribed by the relevant religion or belief, its legal status is deemed valid. No legal provision should require that the validity of a marriage be recognised only after it has been registered in the state's official records (Marmor, 2005). Marriage registration constitutes an

administrative obligation of the state intended to guarantee the civil rights of citizens in marriage, rather than serving as a substantive condition for the legal validity of the marriage itself (Hegel, 2001).

Consequently, the legal relationship between husband and wife, encompassing their respective rights and obligations, arises immediately upon the pronouncement of the marital vow, pledge, or *ijab qabul* performed in accordance with the procedures prescribed by their respective religion or belief.

*TheoLegis* justice rejects the view that law is merely the product of unilateral sovereign will. Instead, law is understood as the result of a dialectical interaction between the will of the state and the will of citizens, mediated by divine and human values. Purwono argues that a criminal justice system grounded in Pancasila must balance legal certainty with substantive justice, as the dominance of procedural formalism may lead to structural injustice. Therefore, he emphasises the need for “A justice system that reflects moral responsibility and social harmony established in Pancasila values” (Purwono, 2024).

Within this framework, divine values are not treated as sacral legitimations of power but as moral correctives against the despotic tendencies of law. Habermas similarly argues that religious values may contribute to public rationality only when translated into universally accessible reasons, noting that “Religious contents can enter the public sphere only through processes of translation into generally accessible reasons” (Habermas, 2006). This perspective resonates with *TheoLegis* justice, which requires divine values to be translated into rational, inclusive, and publicly accountable legal norms.

From the standpoint of legal theology, justice cannot be reduced to procedural formalism but must be rooted in divine morality. Sunaryo observes that when justice is confined to legal texts and procedures, law may act as power rather than serving humanity. Law, therefore, acquires meaning only when animated by the moral consciousness of those who enforce it (Hidayah, 2024). In this sense, divine values function as a source of moral rationality guiding law toward the preservation of human dignity and social balance rather than merely operating as an instrument of formal control (Sunaryo, 2021).

*TheoLegis* justice can be viewed as a synthesis of text and context, of divine values and legal rationality, and of the universality and plurality of justice. It neither denies the role of revelation nor absolutises human reason; instead, it situates reason as an ethical instrument for interpreting divine values within concrete legal contexts. In this sense, *TheoLegis* justice transforms law from a purely coercive mechanism into a normative framework oriented toward maintaining moral balance in both public and private life.

This synthesis becomes meaningful when divine values function not as instruments for legitimising power but as moral correctives against the despotic tendencies of law. As Dworkin argues, legal legitimacy does not solely depend on procedural compliance, but on moral integrity, since “Law’s authority depends on its moral integrity, not merely on its institutional pedigree” (Dworkin, 2021). Therefore,

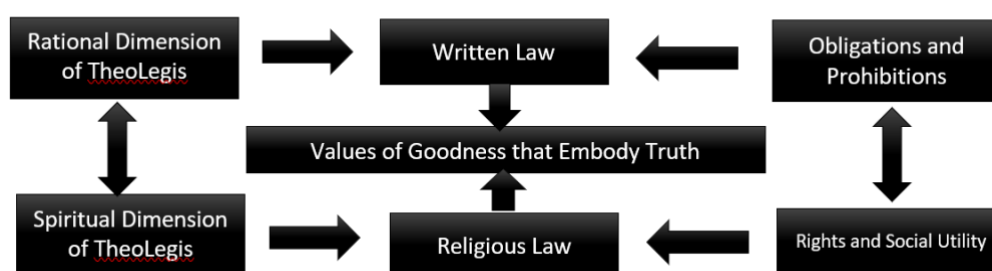
*TheoLegis* justice positions divine values as the ethical foundation of law rather than as symbolic attributes of authority.

In the Indonesian context, this synthesis finds constitutional expression in Pancasila, where belief in the One and Only God is integrated with the principles of humanity, social justice, and deliberative democracy. Latif notes that Pancasila embodies an inclusive divine ethics in which “Divine morality in Pancasila is expressed through commitment to social justice and human dignity” (Latif, 2022). Accordingly, *TheoLegis* justice rejects both the dichotomy between religion and law and the model of normative theocracy.

Epistemologically, *TheoLogis-TheoLegis* justice understands law as a dialectical process between written norms and society's living values. This perspective aligns with the concept of living law, which views law as a dynamic institution interacting with social realities and moral values. As Fudhaili emphasises, recognition of living law is meaningful only when oriented toward substantive justice rather than normative compromise (Fudhaili, 2025).

From the perspective of legal theology, law must ultimately reflect moral values rooted in both divine consciousness and human responsibility. Sunaryo et al. emphasise that “The ontology of the morality of law is the principal value from an ideological and theological perspective, and it constitutes the basis of the highest substance (ground norm) of law.” Therefore, justice cannot be reduced to procedural legality alone but must be guided by moral conscience and the protection of human dignity. As they conclude, “The law must humanise humans,” since the paradigm of justice in Indonesia is fundamentally social justice rather than merely individual justice (Sunaryo et al., 2025).

**Figure 3. Dialectical Structure of *TheoLegis* Justice**



Source: Author, 2026

This model depicts the interaction between the rational dimension of written law and the spiritual dimension of religious law. Their dialectical relationship produces legal norms grounded in values of truth and goodness, integrating obligations, rights, and social utility within the *TheoLegis* conception of justice.

## CONCLUSION

This study demonstrates that the definition of justice cannot be adequately understood through purely positivistic legal reasoning or purely theological claims. Instead, justice emerges from the dialectical interaction between transcendental moral values and rational legal reasoning. The *TheoLogis-TheoLegis* framework therefore provides a conceptual model that integrates these two dimensions within a coherent theory of justice.

Ontologically, justice within the *TheoLogis-TheoLegis* framework is grounded in the recognition that law is simultaneously a moral and rational institution. *TheoLogis* justice represents the transcendental dimension of law rooted in divine moral values, while *TheoLegis* justice represents the rational and social dimension through which these values are interpreted within legal institutions. Therefore, justice exists not as a static legal norm but as a dynamic interaction between transcendental values, human rationality, and social reality.

Epistemologically, the *TheoLogis-TheoLegis* framework conceptualises justice as a dialectical process between text and context, between legal norms and living values within society. Through this approach, legal interpretation moves beyond rigid legal formalism toward a more comprehensive understanding of justice. The analysis of mens rea illustrates how the interaction between authentic intention (*TheoLogis*) and imitative intention (*TheoLegis*) enables courts to evaluate criminal liability through both moral consciousness and rational legal reasoning.

Normatively, the synthesis of *TheoLogis* and *TheoLegis* justice has important implications for contemporary legal systems, particularly within the Indonesian constitutional framework. Pancasila provides the normative foundation for integrating divine values, human dignity, and social justice within the legal order. Within this framework, law should function as an instrument of coercion and a moral institution aimed at preserving human dignity, social balance, and substantive justice. Ultimately, the *TheoLogis-TheoLegis* dialectical framework does not seek to construct a perfect legal system. Rather, it provides a conceptual orientation for developing a civilised legal order that remains conscious of its transcendental foundations while grounded in rational legal reasoning and social responsibility.

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