



# Axiological Insights into Unveiling Independent Constitutional Judge Decisionism

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## Abstract

*This study analyzes how axiological principles such as justice, utility, and justice influence judicial decisions and impact the credibility and effectiveness of the legal system. Critically analyzing case studies and theoretical perspectives examines the interplay between judicial independence and accountability. The article emphasizes the role of values in shaping laws, advocating for consistency and consideration of consequences in judicial decision-making. It argues that moral and ethical principles are central to judicial discretion, ensuring that decisions align with societal values and legal integrity. This nuanced analysis contributes to the discourse on how value-driven decision-making enhances the coherence and legitimacy of the legal system, offering insights into the balance between judicial autonomy and responsibility.*

## I. Introduction

An understanding that relies on the role of values for humans can reveal values phenomenologically. Values have their world whose existence does not depend on the existence and changes of the empirical world. The world of values can be interpreted as a place where values exist, whose nature is absolute, and usually exist in a hierarchical arrangement. The axiological study that will be studied in this paper is intended to understand the nature of the value principles involved in assessment, as well as several questions regarding something that is within a certain assessment range within a certain category. The emphasis to be emphasized concerns the aspect of subjectivity inherent in the process and series of involvement in assessing something. Humans hold this aspect of subjectivity as parties who have the will to provide an assessment of something that appears in their observations and experiences empirically and theoretically ([Aburaera & Muhadar, 2013](#)).

Humans have tools that enable them to understand their values and hierarchies well in acting about themselves and their environment. Humans accept and represent existing values in their actions based on their intention to realize these values to build and shape their lives personally and socially. In its personal and social attachments, the human condition allows humans to determine their actions and decisions in every aspect of life. In such conditions, the position of values is in dualism, which has the consequence that values are the same in all people ([Baldwin, 2001](#)).

In further explanation, we will critically and reflectively review the complexity of human actions, which result in humans obeying and being considered to know that the law is binding on them. The explanation in this article is based on the construction of problems currently emerging amidst socio-political dynamics, especially ahead of the implementation of the simultaneous elections in 2024. A request to test the constitutionality of the norms governing the age limit for nominating presidential and vice-presidential candidates was submitted to the constitutional court. The application is accepted, and a judge's decision is produced, which is final and binding for the parties submitting the application and other parties outside the applicant ([Balashov & Rosenberg, 2002](#)).

The final and binding principle of the constitutional court's decision number 96/PUU-XVIII/2020 embodies "the political" within the larger framework of constitutional judges' review of the regulation of constitutional court as the independent judiciary parties. In this case, "political" focuses on implementing the decision, which is more important than the constitutional court principle to provide justice for the community by restoring the rights of citizens in general. The constitutional court decision is immediately implemented. The rights of returned citizens based on the decision can be immediately implemented without any follow-up. The action to implement resulting from the decision is decided without any basis, which has implications to produce an arbitral decision (implemented directly). The ongoing problem is intended to be criticized and reflected from the axiological review, which shows that no pattern is applied to a constitutional judge's decision, and the resulting decision is singular and unpredictable. As a result, the meta-discourse that precedes or underlies the decision is not implemented as it should.

The main flow of discussion will begin based on reflective questions, namely questions related to whether a series of values that are considered good and appropriate to be formulated and then have binding power for society when decisions that place law and morals above politics have truly formed a moral order from which law and politics are revealed. What fundamental concept should be the basis of a judge's decision, which contains a truth? That truth is the decision itself. So, can the judge's decision be true under the values considered appropriate for society? At the end of the article, it attempts to explore and criticize the axiological narrative in the context of understanding the concept of the rule of law in the social order. The flow of discussion will also use a philosophical model by searching and finding answers without just showing appearances. The study will attempt to explore far behind the appearance to determine something called the value of reality ([Cahyadi & Danardono, 2009](#)).

The critical questions to be studied in each part of the explanation will narrate and criticize the existence of 'values' recognized and believed in law enforcement practices

centred on the 'values' of justice, certainty, and expediency. Can these three be called absolute and irrevocable values, with a certain assessment originating from the existence of the appraising subject to assess the existence of each value as the object being valued? The next part of each of the discussion points that will be explained will review the influence of assessment on the existence of 'values' practised by subjects in the legal context; of course, legal subjects consist of natural individuals and legal entities, but in the main discussion, we will focus on legal subjects ([Mertokusumo, 2010](#)). In the end, this article will present answers that are still inadequate regarding the formulation of societal norms that create obligations for everyone and do not provide a fundamental answer to why these norms can be justified as a certain belief for everyone to obey as a rule. Part of the members of society. The issue of justice as goal-oriented within the framework of communal assumptions is centred on a social order based on virtues that institutions must fundamentally uphold.

Follow-up questions will lead to what form of agreement or consensus exists, allowing the value to be put into practice so that an assessment can be carried out with a series of characterizations of the assessment results. This article will also highlight the positioning of legal rules and values in law, which are recognized as legal principles. The complexity of legal meaning when regulations are implemented occurs when law enforcers are confronted in the context of their respective situations ([Tanya et al., 2010](#)). Apart from that, there are also various social responses from society that determine the law's implementation. Tracing the existence of law also requires various direct and indirect deeds and interests to be fought for by legislators (those who carry out the function of forming laws and regulations).

## II. The Axiological Framework: Philosophical Underpinnings of Values in Law

Conceptually, human free will is based on rationality, which is guided by life values and becomes a trigger for the development of that ratio. Early attempts at axiology differentiated and separated values from facts as having their characteristics compared to facts. The position of values at the level of value philosophy is closely related to the subjectivity and objectivity of values ([Wahana, 2003](#)). Furthermore, further doubt is whether the law is part of a classification of values that seeks to achieve justice as a positive value in human life and the environment. Concepts and ideas about justice need to be based on an argument that self and others are the same, which is in an awareness of the dynamics of human relationships, which is the centre of moral understanding ([Maharani, 2015](#)).

Values are objective if their existence and nature do not depend on the subject; on the other hand, subjective values rely on acceptance of the existence and truth of the subject's attitude (Fronzizi, 1963). Values are closely related to the context of historical reality which has been accepted and considered as something that already exists and which cannot be resolved solely by relying on logical rationalization ([Manullang, 2022](#)). Values are closely related to the context of historical reality, which has been accepted and considered as something that already exists and cannot be resolved solely by relying on logical rationalization ([Haryatmoko, 2011](#)). Values have weight when they are oriented towards a goal and are used as a guide to behaviour or actions in certain situations ([Haryatmoko, 2011](#)).

In contrast to values, norms require moral principles, therefore norms require critical testing or re-examination based on rational reasons for accepting norms in a society ([Suseno, 1987](#)). Norms in this article, of course, refer to the formulation of norms in statutory regulations, which are the object of reviewing legal reality. The formulation of these norms is based on a series of processes for arranging, ordering, and maintaining life together in an orderly and fair manner. The substance of the law in the positivist school refers to the human struggle to live in an orderly and just manner within the framework of the order of life from a human perspective.

Value objectivity shows evidence that value is an objective reality that can override subjective preferences and project logical understanding and argumentation in the existence of value in objects ([Fronidzi, 1963](#)). In the context of value objectivity, it can be interpreted that value precedes assessment; in other words, value exists as a value and is not understood and assessed based on the subject's assessment. In law, every value contained therein contains legal ideas which include justice, including elements of legal certainty and usefulness ([Silalahi, 2020](#)). These three elements have their value goal orientation. In this article, the study of the three main elements in understanding law as a normative order requires understanding the factual conditions of law to form a positive law.

Positivization of law, which requires the involvement of legitimate power, focuses on the close relationship between law and legal enforcement and power so that the law can be implemented practically ([Manullang, 2022](#)). The application of positive law in its factual framework rests on human abilities as natural individuals who should be able to interpret and translate the aims and objectives of a decision that is considered valuable for formulating and enshrining a regulation. Law is the rules and norms created by legitimate authorities and should be interpreted and applied as written without regard to moral considerations. It also emphasises the separation of law, and according to positivist theory, judges should adhere strictly to legal texts that ensure consistency and predictability in the law. Law enforcement, specifically in judicial decision-making, emphasises practical outcomes and the real-world impacts of decisions. Pragmatists argue that the law should be flexible and consider the social, economic, and political context. Judges must adopt a pragmatic approach that prioritises the consequences of their rulings and strives to reach decisions that promote the social good and practical benefits. Judges must ensure that their decisions align with fundamental human rights and moral principles.

Legal values and norms, in this case, play an important role and must be differentiated. Values are placed at the subjective pole of human experience, as expressed by David Hume as quoted in CA van Peursen's book, stating that "from the existence of something it can never be assumed that it should exist", meaning that something refers to a fact and should refer to a task of carrying out a decision that contains a value ([Peursen & Keraf, 1990](#)). The role of intersubjectivity in clarifying reality as an intertwining of facts and values is important ([Peursen & Keraf, 1990](#)). The important role of intersubjectivity is aimed at clarifying what reality is and emphasizing facts that gain meaning from conversations that are intersubjective ([Peursen & Keraf, 1990](#)). The clash of perspectives in differentiating between the two requires combining perspectives in resolving legal problems without destroying the point of view of understanding values and norms differently.

In this clash of perspectives, it is supported by legal and ethical presuppositions. Law is supported by the idea that it is possible to separate good and bad, while ethics is positioned in human efforts to find norms that are considered good and bad (the field of study or morals or right conduct). In other words, ethics is a guideline for knowing whether human actions are ethical. The construction of law and ethics is essentially aimed at guidelines and a view of life that targets the behaviour of humans who live in a bond with society, which is influenced by social ties ([Mertokusumo, 2010](#)).

### **III. The Role of Independent Judicial Decisionism in the Value of Justice Framework: Addressing Constitutional and Political Crises**

The constitution used as a basis for the implementation and conduct of national and state life, is understood in the conception of a state based on law, upholds justice and is not only bound by the law itself. The existence of the object of the request submitted in the normative clause is related to the meaning of good and bad values. Interpreting this value has led to the fact that granting the applicant's request has created discrimination between different age groups. This difference results in the injury of one age group that should be given the same opportunities.

The constitutional crisis became assertive in constitutional decision number 90/PUU/XXI/2023, which the constitutional judges decided. It generated the public common sense that it violates morality, rationality, and just legal projects, making justice the goal of realizing just law. The practical implications of a constitutional judge's constitutional decision have presupposed a picture of a crisis that allows submission to the decision arbitrarily obeyed. The decision results in the law being forced (forced by the law) and shows faults in its application. Constitutional judges as sovereign decision makers in a legal state order have been institutionalized by the existence of institutions; they play an important role and have an effort to realize public awareness that the word "independence" in Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is a condition that must always be achieved, maintained, and developed as a collective responsibility of all elements of the nation. Constitutional judges as actors of judicial power themselves (self-reminder) that the independent nature of their power must always be carried out in a transparent and judicial accountability, both in the form of "freedom to do something" and in the form of "freedom not to do something". Constitutional court is a shelter for constitutional judges to carry out their duties, functions, and authority. Constitutional judges have a significant role in carrying out the main duties of judicial power in a series of actions in accepting, examining, and deciding cases submitted to them based on applicable procedural law and relevant applied law ([Sutiyoso & Puspitasari, 2005](#)).

Departing from the decision of the constitutional judge has an impact on the possibility of the judge's authority being exceeded beyond the limits of authority delegated to him as the final interpreter. Constitutional judges entered the realm of legislative authority by adding normative formulation phrases in testing the constitutionality of age limit norms for presidential and vice-presidential candidates. Such conditions indicate a constitutional crisis where the branches of power, as adhered to by the trias politica principle introduced by Montesquieu, do not understand each other and are only just getting to know each other. The consideration

of constitutional judges is completely left to the lawmakers (legislative) to determine and execute the decision that has been made. The constitutional decision is not clear and can change the judge's stands and judges reasoning. If this happens, the determination of the constitutional judges to review policy can be seen from the inconsistency of the opinions and change instantly in answering the subject matter. It also can refrain the authority of lawmakers in determining the minimum age limit requirement for presidential and vice-presidential candidates staying far from the goals and maintain the balance and respect for lawmakers' concerns in the context of the separation of powers ([Constitutional Decision, 2023](#)). It is trapping the nature of constitutional decision implementing used as a political burden and ultimately undermines public trust and constitutional acts legitimacy overhanded by constitutional judges.

The logical implication of deciding the decision of the constitutional judge as a decision maker that is valuable for a particular subject does not determine a benchmark that the decision is by the proportion of community deliberation. Legal decisions decided and assessed by judges as judicial authorities must be in a unified system that includes institutional and instrumental elements, including behavioural elements of legal subjects with rights and obligations (subjective and cultural elements). Each of these elements should be able to measure the judge's logical considerations, which are quite reasonable in constitutional law enforcement. Assessment of constitutional norm issues is closely related to the efforts to understand the legal certainty in law enforcement, not just based on the enforcement of power.

An explanation of the influence of this assessment will question and reflect the influence of the assessment of the existence of each value (certainty, utility, and justice) on previous practice (*the previous practice*) to the implementation of *the later practice* ([Silalahi, 2022](#)). The value of justice aimed at and recognized by law is basically part of the tension of legal reality which always creates a relationship between humans and the authorities who have power over them ([Raz, 2009](#)). The interaction of power and morality is based on the legitimacy of power as the basis for justifying actions. This justification refers to efforts to formulate a series of actions into norms, laws, rules, or habits ([Haryatmoko, 2011](#)). Thus, authority, including action, basically always seeks legitimacy which demands more than the beliefs held by the subject.

The development of science and human development is the basis for humans to obtain simple levels to the highest levels of human knowledge. This circumstance means that science should be influenced by the basic values of science and the character of the science concerned, which can positively impact humans ([Maharani, 2007](#)), as in jurisprudence, humans become the ruler (those who regulate) and the ruled (those who regulate). The proverb "the judge's decision is unfair" is a stigma that appears in public response. As justice erodes its presence and becomes more obscure and more absurd ([Efendi, 2015](#)). In diverse perspectives, the judges must ensure a broad spectrum of legal viewpoints that promotes comprehensive deliberation and aids in producing well-rounded, clear rulings and enhancing legal certainty.

Each idea of certainty, benefit, and justice seeks to complement each other in explaining legal ideas, which are composed of each idea and have their weight to be understood. The idea of justice was designed to achieve equality, but equality is only an initial presupposition that cannot yet be substantially formulated and realized by

law. Likewise, the benefit is interpreted as an effort to unify different views. In the context of certainty, the law is formulated and determined positively by forming statutory regulations to unite the possibility of various views ([Manullang, 2022](#)). The judge's decisions should benefit the broader society while maintaining legal integrity. Judges must balance the immediate practical benefits with long-term legal principles and consequences. Balancing represents the kind of thinking that is directly related to the interests or factors themselves ([Garvey & Aleinikoff, 2003](#)). The interest seeks recognition on its own and forces a head-to-head comparison with competing interests ([Garvey & Aleinikoff, 2003](#)). Constitutional court employs the version of balancing through the striking a balance as an image which puts the balanced scales with constitutional doctrine calibrated according to the relative weights of interests ([Garvey & Aleinikoff, 2003](#)).

The current reality is a legal distortion that is not oriented towards the substance of truth but rather an image of truth and an image of justice. What appears then is an artificial reality or simulacra. This condition means a world shaped by a game of images, rhetoric, and deceptive information ([Sudjito, 2014](#)). This distortion ultimately results in legal turbulence when the law seems committed to realizing justice as a goal, but in practice only pseudo-justice (*simulacrum of justice*) appears ([Sudjito, 2014](#)). The nine constitutional court judges play a crucial role in interpreting and upholding the Constitution, with their decisions profoundly impacting the legal system and society. Their influence is shaped by their diverse backgrounds and the processes by which they are appointed.

The process of nominating judges from the executive, legislature, and judiciary is designed to create a balanced and representative bench. This structure ensures that no single branch of government has undue influence over the court; the judges bring a balance of perspectives and expertise, which helps ensure that their decisions meet the three core legal values: certainty, utility, and justice. Judges nominated by the executive, legislative, and judiciary collectively ensure their decisions align to lead comprehensive and balanced rulings. The diverse constitutional judge's nominee background not only enriches the decision-making process but also strengthens the court's role in upholding constitutional values and maintaining public trust in the legal system.

The framework of law which is oriented towards achieving legal certainty, utility and justice makes the role of criticism and reflection important which can be obtained from philosophical studies ([Silalahi, 2023](#)). This article poses the various contexts of legal certainty, utility, and justice in constitutional court practice. Certainty is demonstrated in constitutional courts through the adherence to precedents, ensuring consistency in interpreting constitutional principles. For example, in the case of the Judicial Review of the Omnibus Law on Job Creation (2021), the court emphasized the need for procedural clarity and public participation in legislative processes. The court reinforced the predictable application of constitutional standards by requiring amendments to align with constitutional procedures. Utility in constitutional court practice applies the principle of utility by balancing individual rights with broader societal needs ([Gunawan, 2021](#)). For instance, during public health crises, courts may uphold emergency restrictions on freedoms (e.g., movement or assembly) to protect public health, as seen in rulings during the COVID-19 pandemic. Such decisions

maximize collective welfare while respecting constitutional boundaries. Justice in constitutional court practice has demonstrated equality and safeguarded marginalized groups' rights. In its decision on the Judicial Review of Blasphemy Laws (2010), the court upheld the laws while emphasizing the need for fair enforcement to avoid discriminatory practices. The ruling aimed to balance societal harmony with protecting religious minorities, reflecting the constitutional guarantee of equal treatment.

The formulation which is realized in the form of statutory regulations has reduced the intensity of the idea of human empowerment and human awareness as beings who have autonomy over themselves (Raz, 2009). In addition, the formulation of human authority through the practice of valid and legitimate authority has allowed humans to act as they please without any limitations. Values are important in reflecting the problems of human actions and assessing human actions to differentiate actions and behaviour. In this context, the correlation of values with the subject and object can be taken into consideration (Abadi, 2016). The correlation between objective and subjective values cannot be separated from each other, meaning that human knowledge is conscious as a subject of the values it has and is believed to influence changes in the object being valued.

Likewise, objects that are considered to have or have a certain value attached to the object will be assessed based on the position and condition of the object if it is supported by understanding and logical arguments in the situation. The affirmation of a positive correlation between subjects and objects can be formulated in the context of objects which are of concern to the subject and subjects who are always aware of the existence of an object (Peursen & Keraf, 1990).

Through normative formulations in statutory regulations, a network of norms in the form of prohibitions, taboos and obligations stretches across human life as a subject. Morals relating to human actions as humans in terms of good and bad and their relationship to their life goals are part of the object. When talking about morals, it tends to refer to what humans think and stand on as a subject regarding what is good and what is not good, what is appropriate or inappropriate to do (Setiardja, 1990). Human actions or behavior are generally manifestations of beliefs or outlook on life which can be done consciously (*actus humanus*) or not done consciously or deliberately (*actus hominis*).

Values reveal themselves to humans through the involvement of *a priori experiences* involving the senses and emotional intuition (Fronzizi, 1963). In relation to knowledge in the epistemological realm, a person's perception of an object presented to him cannot be perceived directly through the intellectuality in the mind but must be preceded by sensing the object being seen (McCain, 2013). This is an implicit confirmation of perception in the epistemological realm which, if linked to the axiological realm, means that the subject's assessment of something can be perceived in the same or different ways (Fronzizi, 1963). This assertion will indirectly lead to an understanding that the object to which a value is attached is relatively dependent on the condition of the subject or the condition of the subject's assessment in certain situations, events and facts or conditions.

The legal orientation aims to realise the idea of justice as a goal of positioning power as the utilisation of legal means in carrying out the legislative process (creating the law). This series of legislative processes then legitimises power in the operation of



the dominant legal paradigm and is increasingly systematised through the legislative process. The legislative aspect openly explores the costs and benefits of constitutional rules and appeals to empirical evidence of the constitutional doctrine's effect on societal interests ([Garvey & Aleinikoff, 2003](#)). This condition requires a firm distinction between ethics and morals, between evaluative and normative issues, including mutually recognised norms and binding society as a unit ([Rasuanto, 2005](#)). In such conditions, the procedures for forming laws are consistent with the unity of sovereignty, which means a system consisting of laws enforced by one sovereign or power (a system of all the laws enforced by one sovereign). The tendency to negate and subordinate the legislative process has made the position of the subject who holds the authority to shape the law unclear in modelling the exchange of "who represents whom" ([Sudjito, 2014](#)).

The formulation of questions targets how a judge needs a stage to decide or give reasons for his actions based on formal principles of justice as the basis of law. Judges' decisions should be made, not arbitrarily, based on general rules in the order of human relations. They should be correct based on moralism, the voice of human legal consciousness, and the interests of the proletariat. The guarantee of considering the relationships of community life and being free from fear of loss refers to the minimum rationality that comes from the nature of law as an institutional social regulation that must not conflict with individual morals ([Ginsberg, 2003](#)).

#### **IV. Reflections on the Political Legal System: Upholding the Core Principles of Independent and Impartial Judicial Power**

The moral context is related to the basis on which a person thinks and stands regarding what is good or not, as well as what is appropriate and inappropriate. Morals are closely tied to human existence and their relationship to the purpose of human life. Every reality has a goal to achieve its highest development in accordance with its nature ([Setiardja, 1990](#)). The essential qualities or properties of the nature of a thing is the inherent and inseparable combination of properties essentially pertaining to anything and giving it its fundamental characters ([Raz, 2009](#)). Humans pursue their goals and know their goals consciously ([Setiardja, 1990](#)). A real discovery that fundamentally differentiates being *from* value *so* that justice must be tested and verified by referring to objective moral principles.

Searching for objective moral principles is not limited to certain beliefs or only refers to a certain orientation but must rely on principles that give rise to an independent moral stance and do not depend only on general assumptions ([Suseno, 1987](#)). As a result, an orientation to objective principles requires criticism based on moral responsibility. Thus, it can be formulated that law is never sterile in terms of universal morality, which is used as a principle that must be followed by all humans so that justice can be revived internally humans ([Pratiwi et al., 2022](#)).

According to the legislator, laying down the law formulated in a formulation of statutory regulations is in the vortex of objective assessment. This assumption is visible from the viewpoint of the rule makers. It is different if the formulation of the statutory regulations is presented to the public with a group of interests that need to be recognized and formulated. It would be interesting to study further regarding interests that are positively correlated with the values held by everyone as part of members of

society who live in their social environment. Subjectivity must precede objectivity, meaning that the subject's behaviour or actions confirm the object's structure and nature to be interpreted and serve as the basis for affirming the subject's responsibility for the actions he performs.

In axiological studies (values in philosophical studies), it can be radically viewed as targeting the correlation between subject and object as the culmination point of reflection on values in the study of science. Human reflection with rationality is in space and time with objective structures which essentially have different forms and appreciations from one human to another. Humans who are present in social life live and institutionalize their identity to participate with many people in the same space and the same historical flow ([Suseno, 1987](#)). The form and appreciation of human life as social creatures are built on institutional social structures that require realising human social roles, ultimately determining human identity. This identity concretely places the need to place moral rules on the same footing.

Moral norms or moral rules are not always absolute and universal, meaning that there are the most fundamental moral principles that, in certain predictable or unpredictable situations, moral rules that are formulated and recognized en masse become irrelevant in the context of certain events or situations ([Suseno, 1987](#)). Thus, values also play an important role in their connection with legal norms that apply to a particular social environment with the demand to implement them without questioning or criticizing them.

Based on the above conditions, in my view, the legal fact that certain regulations governing many people's lives have been formed and published into a standard that demands compliance must be balanced with a direct connection to legal reality, which is not only based on universal ideas or concepts. The important thing to pay attention to is not the world of standardized facts but evaluative behaviour that invites a more massive discursive area. Quoting CA van Peursen's view, which states that only looking at the facts and ignoring the role of values is not the right way to deal with concrete reality ([Peursen & Keraf, 1990](#)).

Legal objectivity in the scope of a fundamental understanding of values appears prominent in morality and justice. A sufficient step to review issues regarding legal objectivity is directed at a commitment to applying and understanding certain theories. Legal morality can be described through criticism of applying justice values in statutory regulations to the understanding of statutory regulations drawn from the formulation of judges' decisions, which have binding legal force. The attention of justice is then directed at efforts to protect basic goods and provide conditions for higher values ([Ginsberg, 2003](#)).

There are some moral implications of the binding force of law, such as in applying laws, judges may face political pressure, which can challenge their independence. Political interests can sometimes influence judicial decisions, especially in high-stakes cases involving governmental actions. Judges must navigate and maintain their ethical obligations to apply the law impartially. The implications while judges create laws are their role to ensure their interpretation of broad constitutional provisions, and they must ensure that their rulings are morally justifiable and guided by fairness, equity and the promotion of human rights. Judges have the moral responsibility to act and ensure that laws do not infringe on individual rights or public welfare. Methodological

issues in understanding the objectivity of value in law require additional alternative views related to explanations in the form of discursive descriptions that should be used to understand value in the interaction between subject and object. The inter-relationship between subject and object focuses on objectivism, which focuses on objects that have value, which is linked to subjectivism as a form of assessment by the subjects that have value or objects of value.

Judges have a moral duty to ensure that their rulings contribute to the common good and uphold constitutional values. The ethical demand for the realization of an appropriate framework for the goals of living together gives rise to the need for consideration and guidance in thinking about and forming laws that lead to achieve these goals ([Huijbers, 1990](#)). The principles that form the basis of the foundation for the formation of a framework for thinking about law have differentiated the existence of objective and subjective legal principles. Objective legal principles are centred and used to form legal regulations. In contrast, subjective legal principles are centred and used as the basis for the principles of subject position related to law ([Huijbers, 1990](#)). In the concept of natural law, the overall position of law is unchanging, and its position is superior to that of positive law because it concerns the meaning of human life. Law is a rule, and the basis of this rule is found in natural rules that are manifest in human nature ([Huijbers, 1990](#)).

It can be ascertained that humans are based on the rationale they have in looking at their actual historical conditions and situations, in other words, there is human awareness of changes in their views in overcoming their historical situations. The principles that are recognized and believed in in the preparation and examination of regulations, including the principles in formulating the basis of each legal system, cannot always remain constant. In certain situations, and conditions, these principles can be relaxed and changed according to developments. The principle referred to concerns the first thing that must be considered to show an attitude that is in accordance with a rational way of thinking, which must be considered in connection with human moral sense, not limited to mere formal provisions ([Huijbers, 1990](#)).

In narrating the concept and context of legal philosophy in reviewing values, it is closely related to the implementation and understanding of the value of legal justice in statutory regulations and judges' decisions, which have binding legal forces interrelated with knowledge, truth, and values. Quoting the thoughts of Gustav Radbruch, who emphasized that the values of justice are realized in human life through the law so that the law only has meaning if the law is seen as the realization of justice. Thus, justice is not created in society only to serve the interests of the community, but there are also regulations that guarantee certainty that community relations can be maintained well ([Setiardja, 1990](#)). Legal certainty should not be limited to stating the contents of the law; moreover, legal certainty must be returned to the contextualization of a community agreement and reflection of the general will in the context of the development of social ties within society ([Manullang, 2017](#)).

By telling the concept and background of the philosophy of law in examining values, it is closely related to the implementation and understanding of the value of legal justice in legal regulations and judicial decisions having force legally binding, which are linked to knowledge, truth, and values. I cite the thoughts of Gustav Radbruch, who emphasized that the values of justice in human life are realized

through law, so that law only makes sense when it is seen as the realization of justice (Setiardja, 1990). Philosophy can be considered as part of an approach to touch directly on human values and meaning (Sobon, 2018). The form of the philosophical approach in this paper will concern on an axiological review through social structures and collective action that confront each other. These two things must be understood from the perspective that the party being dominated is always in a weak position and domination is a form of injustice and individuals and communities must always have their rights to live, to be free, and to be members of the community respected (Haryatmoko, 2011). Thus, justice in society is not only created to serve the interests of the community, but there are also regulations that ensure certainty that community relations can be well maintained (Setiardja, 1990). Legal certainty should not be limited to stating the content of the law. Furthermore, legal security must be attributed to contextualising a community agreement and reflecting the general will in the context of developing social ties within society (Manullang, 2017). Radbruch's view of the interrelationship between justice, opportunity and certainty creates tensions, even though all three are recognized as fundamental legal values (Setiardja, 1990). Radbruch also emphasizes the positioning of law as a normative matter and power as a factual matter so that Radbruch sees that power and law are not limited to the achievement of validity but also require power that can be exercised with certainty (Manullang, 2022).

## V. Conclusion

The flow and concept of rational considerations based on recognized and believed legal principles start from thinking about ways to formulate and determine something as something that is visualized, experimented with, or explored that can produce and advocate the integration of ethical values into judicial decision-making. Incorporating ethical values into judicial decision-making enhances the decision-making rulings and makes them more predictable and coherent. It also ensures that judicial decisions are legally correct and socially useful. Judges are seen as key actors who often fill legislative gaps, address new societal challenges, and set precedents that guide future legal developments. Judges are encouraged to innovate and ensure the law evolves in response to changing societal needs and values. The discourse striving to achieve legal goals, namely certainty, benefit, and justice, needs to be reviewed in the form of criticism and comments on legal praxis, which is still far from its noble goal of ensuring certainty and justice.

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