



## Constructing Humanitarian-Based Law: A Philosophical Analysis of the Philanthropic Legal Paradigm

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### Abstract

*Positivist legal frameworks prioritize formal certainty over moral and social relevance, often failing to respond to global challenges such as inequality, environmental degradation, and digital exploitation. Philanthropic Law emerges as an alternative legal paradigm that emphasizes humanism, substantive justice, inclusion, and sustainability. This study aims to formulate the philosophical foundations and conceptual framework of Philanthropic Law as a response to technocratic approaches to law. Using a normative-juridical method combined with philosophical analysis, the research examines and reconstructs the nature, knowledge, and values of law from ontological, epistemological, and axiological perspectives. The findings indicate that Philanthropic Law integrates elements of natural law, utilitarianism, sociology of law, theories of justice, and progressive legal philosophy into a cohesive paradigm capable of addressing contemporary socio-legal challenges. This value-oriented approach supports the harmonization of international human rights norms within Indonesia's constitutional framework and is consistent with Pancasila and the 1945 Constitution. The study proposes a reconceptualization of law as a participatory, adaptive, and justice-oriented process. It further recommends the adoption of value-based legislation, human rights-driven judicial reasoning, and transformative legal education to advance legal reform. Future research may explore the operationalization of Philanthropic Law in environmental, digital, and socio-economic regulatory frameworks.*

## I. Introduction

The public generally consider the law as a way to control society, but they do it in a strict way that focuses on legal certainty and the formal validity of laws set by legitimate authorities (Archer, 2018). This viewpoint, significantly shaped by the legal positivism paradigm, often separates law from the moral and social principles that ought to support it (Kaufman, 2023). This view makes the law seem like nothing more than a way to control people, ignoring its main goal of protecting and improving people's lives. Because of this, legal systems that are too formal do not adjust well to the changing requirements of society, especially when it comes to dealing with difficult issues like discrimination and socioeconomic injustice (Malleon, 2018), and environmental crises. In this situation, it is necessary a fresh, more open-minded, and flexible approach right away to bring back the law's most important job: to serve people and make sure that real justice is done.

The development of legal thought illustrates a transition from natural law, based on universal moral principles, to legal positivism, which prioritizes formal legality (Giudice & Scarffe, 2021). Philosophers like Aristotle and St. Thomas Aquinas argued that the objective of law should be to produce eudaimonia, which is the highest happiness for all people. Justice and morality should be at the heart of all legal rules. However, with the rise of legal positivism, supported by philosophers such as John Austin and H.L.A. Hart, the law grew more and more separate from moral ideals. People began to see it as a separate set of rules that didn't take into account humanitarian concerns. This method gave the law the legal clarity it needed, but it often ignored the moral and social aspects of law, making it less useful for dealing with the many different and complicated situations that people encounter in life (Salehi & Balavi, 2023).

Criticism of legal positivism has been more important in recent years, when social, economic, and environmental problems are getting worse. Global inequity, the exploitation of natural resources, and rapid technology breakthroughs necessitate a legal framework that is more contextual and adaptive (Spaak & Mindus, 2021). Traditional approaches that prioritize legal certainty only have proven inadequate in addressing these challenges. Thus, it is necessary to quickly come up with a new legislative framework that looks at more than just regulations and also takes into account the well-being of people as a whole. In this situation, the idea of Philanthropic Law comes up as a good option. Philanthropic Law is based on philosophical traditions that value people. It offers a new way of looking at the law that puts people at the center of all legal activities. It reconsiders the law not simply as a way to control people, but also as a way to advance the common good and promote real justice in society.

Even though contemporary legal frameworks are changing quickly, people still argue about whether they are in line with substantive justice. Dominant legal systems, particularly those shaped by positivist perspectives, often prioritize formal validity and procedural adherence, overlooking its implications for public welfare (Martin,

2014). Law frequently transforms into a technical tool, disconnected from the social, economic, and cultural frameworks in which it functions. Because of this, these kinds of systems do not do a good job of protecting vulnerable groups, who are often victims of structural injustices (Gallen & Ní Mhuirthile, 2021). In many instances, formalistic legal approaches exacerbate injustices, reinforce discriminatory power structures, and hinder access to inclusive and humane justice (Ashar & Lai, 2019).

Legal frameworks currently confront substantial difficulties in addressing globalization, advances in technology, and environmental emergencies. For instance, globalization has made the differences in wealth and power between people and countries even bigger (Qian, 2024). Legal frameworks that promote normative certainty frequently fall short in tackling intricate challenges such as mass migration, transnational labor exploitation, and the safeguarding of human rights within the digital economy. Also, the worsening environmental problem shows how limited reactive and fragmentary legal rules are. Laws that just look at formal rules and not how they affect the environment could make the problems they are meant to solve worse (Bryner, 2022).

These shortcomings underscore the inherent deficiencies of conventional legal methodologies in incorporating moral, social, and ecological aspects into their normative structures. Law is frequently diminished to a mere tool for preserving social order, neglecting its fundamental objective of helping people. This situation highlights the pressing necessity for a novel legal framework that reconciles formal regulations with the essential requirements of society (Berdica, 2024). Philanthropic Law, based on the ideas of fairness, inclusion, and humanism, comes about as a way to deal with these problems (Harding, 2023). This approach puts people at the center and tries to make sure that the law not only makes things clear but also improves people's lives in all areas.

The main objective of this study is to look into and build the philosophical and conceptual underpinnings of Philanthropic Law as a legal framework based on humanity. In contemporary legal systems, which frequently adhere to normative-positivist frameworks (Lifante-Vidal, 2020), This study aims to illustrate how Philanthropic Law might reconcile legal certainty with substantive justice. This method strives to build a legal system that is not only formally valid but also fair, open to everyone, and able to adapt to the changing requirements of society by including moral, social, and environmental principles.

This study also seeks to identify and clarify the significance of Philanthropic Law in tackling current global issues, including social inequality, environmental degradation, and the complexities of the digital economy. The study aims to deliver tangible solutions to legal challenges stemming from the intricacies of social and economic life in the context of globalization, by presenting a humanity-centered approach. Additionally, the study intends to make a substantial contribution to legal scholarship by introducing a framework relevant to public policy, regulatory formulation, and legal practice on both national and international scales. This study enhances legal theory and fosters the development of a more equitable, inclusive, and pertinent legal system for contemporary society.

This article primarily emphasizes the critique of legal positivism; nonetheless, it is important to recognize that numerous modern legal systems have already commenced the integration of interdisciplinary perspectives and ethical issues, albeit gradually. The development of judicial reasoning in domains such as environmental justice, indigenous rights, and socio-economic equity demonstrates that positivist legal traditions are not homogeneous nor immutable. In numerous jurisdictions, including Indonesia, judicial entities and legislative procedures have demonstrated adaptive characteristics by integrating ideas from human rights law, public ethics, and contextual jurisprudence. Attributing the shortcomings of contemporary law exclusively to legal positivism may oversimplify a more intricate and dynamic legal framework. The critique presented below is not aimed at legal positivism itself, but rather at its inflexible and technocratic interpretations that persist in influencing specific institutional logics. Philanthropic Law aims to enhance and broaden current legal frameworks rather than supplant them, providing a more comprehensive and principled methodology to tackle structural inequalities sometimes overlooked by narrowly defined legal instruments.

Legal literature has undergone considerable evolution, incorporating methodologies from natural law to positivism, utilitarianism, and modern ideas of justice. Nonetheless, each methodology has exhibited deficiencies in tackling the intricacies of contemporary social, economic, and environmental challenges. Natural law, for instance, underscores fundamental moral principles as the basis of legislation but frequently faces criticism for its abstraction and restricted applicability in fluid social circumstances (Niemi, 2021). Legal positivism, on the other hand, emphasizes legal certainty and formal validity while neglecting the humanistic and moral aspects that are fundamental to substantive justice (Sistiyawan et al., 2024). Utilitarianism, which claims that the greatest happiness for the largest number is the best way to look at things, is practical but sometimes forgets about protecting the rights of minorities (Tusseau, 2024).

The previous gaps reveal that it is necessary a new legal framework that combines the best parts of previous systems while still being useful for the problems we face today. The theoretical divide is most clear when talking about globalization, new technologies, and environmental disasters. Globalization has changed the way people and businesses interact with each other, frequently in ways that are unfair and take advantage of others. But many legal systems still use formalistic methods that don't really deal with these problems. Regulations regarding the safeguarding of migrant labor or human rights inside digital ecosystems are frequently reactive and inadequate in delivering essential substantive protection (Crock, 2017). Similarly, the environmental crisis reveals the inadequacies of environmental law, which is often subordinate to economic and political pressures, neglecting sustainability and human welfare (Dam-de Jong & Amtenbrink, 2023).

Philanthropic Law aims to fill these gaps by providing a paradigm that is inclusive, adaptable, and oriented on people. Unlike conventional normative

frameworks that distinguish law from morality and social context (Salehi & Balavi, 2023), Philanthropic Law puts people at the heart of every legal work. This paradigm seeks to address the difficulties of the modern period that are intractable through inflexible legal methodologies by embracing values of substantive justice, inclusivity, and responsiveness. It also offers a more complete way to analyze things by including moral, social, and environmental factors in the creation of legal rules. Philanthropic Law not only fills in gaps in the legal literature, but it also points in a new direction that is more relevant and useful for making the legal system fair and focused on people.

This study presents an innovative contribution by advocating for Philanthropic Law as a new legal framework centered on humanity and substantive justice. Philanthropic Law incorporates moral, social, and ecological principles into the legal framework, in contrast to conventional legal approaches that tend to be excessively normative and technical. This paradigm is not just a mix of different legal ideas; it is a new way of thinking that brings together distributive justice, protecting the rights of minorities, and the well-being of all people. By putting people at the heart of the legal system, Philanthropic Law tries to solve problems that traditional legal systems have trouble with, like environmental disasters, the misuse of technology, and problems with social and economic injustice.

The study is unique because it combines these values and is flexible and responsive to the fast-paced developments in society today. The rationale for this study lies in its significance in fulfilling the demand for a more comprehensive and relevant legal framework. Philanthropic Law addresses the deficiencies of current legal frameworks, which frequently prioritize formal certainty over substantive fairness. When dealing with the problems that come with globalization, regulations that are only based on formal standards are not enough to deal with problems that span borders, such as human trafficking, climate change, or safeguards for migratory workers. This study also assists the creation of flexible and fair public policies that are important not only in one country but all throughout the world.

This study employs a juridical-normative method with a conceptual (Ismail et al., 2025) and philosophical approach (M. Nggilu et al., 2023). The conceptual approach is employed to analyze legal theories pertinent to the evolution of Philanthropic Law, including natural law, positivism, utilitarianism, and conceptions of justice, as well as to investigate the integration of these theories into a novel paradigm. The philosophical approach seeks to examine the ontological, epistemological, and axiological underpinnings of Philanthropic Law, so offering an in-depth comprehension of the law's role as a mechanism for humanity and substantive justice. The project aims to develop an analytical framework that reconciles formal legal rules with humanitarian principles through these methodologies.

This study employs the normative-juridical method to not only interpret statutory texts and doctrinal frameworks but also to critically assess their foundational value systems and institutional ramifications. The principal the study's question is: How can Philanthropic Law be developed as a cohesive legal paradigm that incorporates moral, social, and ecological values into Indonesia's current formal-legal frameworks?



This question directs a multi-faceted analytical approach. Initially, legal documents – comprising national laws, constitutional texts, and international conventions – are scrutinized for both their normative significance and their axiological foundations. Second, the philosophical approach is implemented via a triadic reconstruction: (a) an ontological investigation into the essence and objectives of law; (b) an epistemological critique of the production and legitimization of legal knowledge; and (c) an axiological contemplation on the fundamental values that law should represent. We systematically compare these three dimensions to real-life legal situations, like court rulings and how laws are interpreted, to see if it makes sense to add Philanthropic Law to Indonesia's legal system. Therefore, the methodology is not abstract or rhetorical; it is repeatable through organized research that links legal normativity with ethical and institutional characteristics.

The legal materials used in this study include primary, secondary sources (Ismail et al., 2025; N. Nggili et al., 2024). Primary legal materials consist of statutes, international conventions, and relevant legal documents. Secondary legal materials include legal literature, journal articles, and academic works that support theoretical and philosophical analysis. The analysis technique used is qualitative analysis with a descriptive-analytical approach (Ismail et al., 2025). This approach aims to elucidate relevant legal theories, identify the weaknesses of previous theories, and construct a systematic argument on the relevance and advantages of Philanthropic Law as a new paradigm. The analysis is conducted critically to ensure that the research results contribute substantively to the advancement of legal scholarship.

## **II. Introduction to the Philanthropic Legal Paradigm**

Philanthropic Law represents an innovative legal framework that adopts a comprehensive perspective by prioritizing humanity in all legal endeavors. This paradigm aims to rectify the deficiencies of conventional legal methodologies that, while having made considerable advancements in legal theory, frequently do not achieve substantive justice or adequately conduct the intricacies of modern social dynamics (Mauerhofer, 2021). Philanthropic Law incorporates moral, social, and ecological factors into the legal framework, emphasizing the principles of humanity, substantive justice, and inclusivity – an integration that older methods like positivism, utilitarianism, and natural law have not fully accomplished (Putro & Bedner, 2023).

Philanthropic Law disagrees with legal positivism that law is just the order of someone with authority. Positivist views, put forth by philosophers like John Austin and H.L.A. Hart, characterize law as a framework of rules that exist apart from moral considerations, with legitimacy established exclusively by compliance with formal procedures (Sistyawan et al., 2024). This perspective often leads to rigid and normative legal systems that fail to capture social realities and human needs (Matyasovszky-Németh & Fábián, 2025). In contrast, Philanthropic Law challenges the strict separation between law and morality, asserting that law must be evaluated based on its impact on human welfare. Philanthropic Law demands not only legal

certainty but also substantive justice, which provides tangible benefits to society (Marotta, 2022).

Philanthropic Law also takes a more inclusive approach to justice than utilitarianism. Jeremy Bentham and John Stuart Mill came up with the idea of utilitarianism, which says that good law is that which brings "the greatest happiness for the greatest number." This approach focuses on the best outcomes for the most people, but it often ignores the rights of minorities. In many cases, utilitarian principles make things worse for vulnerable groups that don't have the political or economic power to change legal policies. Philanthropic Law fixes this problem by putting the protection of vulnerable groups first (Eggleston, 2012). It emphasizes that justice can not be assessed only by how happy everyone is, but also by how well the law protects people's rights and dignity, especially those who are the most vulnerable in society.

Philanthropic Law is also very different from natural law, which is based on universal moral rules. Natural law, as defined by Aristotle, Cicero, and St. Thomas Aquinas, asserts that genuine law must conform to eternal and universal moral principles. Philanthropic Law acknowledges the significance of morality but repudiates the abstraction frequently linked to natural law. In the intricate and evolving landscape of modern society, policies predicated purely on universal morality frequently do not yield practical solutions to tangible issues (Morgan, 2019). In contrast, Philanthropic Law adopts a more contextual and adaptive approach, accounting for local values and specific societal needs within the framework of substantive justice (Riner & Vartkessian, 2018; Zvonkov, 2019).

Moreover, Philanthropic Law distinguishes itself from progressive legal theory, which emerged as a critique of legal positivism. Progressive legal theory, as articulated by Satjipto Rahardjo, emphasizes that law should serve humanity and not be constrained by rigid formalities (Aulia, 2018; Rahardjo, 2006). Both progressive law and philanthropic law are concerned with people, yet they work in quite different ways. Progressive legal theory mostly looks at how bad current legal systems are, but Philanthropic Law not only gives critical insights but also gives a systematic and practical way to establish legal systems that are open to everyone and based on the ideas of substantive justice.

While progressive law views law as an evolving process (Aulia, 2018; Rahardjo, 2006), Philanthropic Law offers a more organized conceptual basis to make sure that the law works not just as a way to reform society but also as a tool to improve people's lives. Philanthropic Law takes a holistic approach to solving complex global problems like environmental crises, social inequalities, and the exploitation of digital technologies. This is because it includes moral, social, and ecological aspects in its normative framework. Other legal systems often ignore these problems.

Philanthropic Law also uses a participatory approach, which means that society is involved in making and carrying out laws. Philanthropic Law, on the other hand, makes sure that a lot of people are involved in the legal system to make it more legitimate and effective. This is different from positivism, which is based on a hierarchy, or progressive law, which focuses on internal change. This participatory

approach not only embodies substantive justice but also enhances social cohesion and cultivates a sense of common ownership among communities.

Under the perspective of Philanthropic Law, law is not merely understood as a set of rules to be obeyed but as a mechanism for fostering social cohesion and creating conditions that enable every individual to achieve their fullest potential. The paradigm rejects reductionist views that separate law from the realities of human life and instead situates law within a broader context where humanity, justice, and welfare are its primary objectives. Thus, Philanthropic Law not only critiques traditional legal paradigms but also provides concrete solutions that can be applied across diverse social and cultural contexts.

Philanthropic Law is a unique and forward-thinking way of looking at the law that deals with the problems with both traditional and modern legal systems. By incorporating moral, social, and ecological values into its normative framework, it guarantees that the law serves not only as a tool for control but also as a mechanism for attaining substantive justice and human wellbeing. This paradigm is pertinent in local contexts and possesses considerable potential to tackle global concerns in the modern era.

### **III. The Synthesis of Legal Theories in the Philanthropic Legal Paradigm**

#### **A. The Ontological Aspect: The Nature of Law in the Philanthropic Legal Paradigm**

Philanthropic Law arises from fundamental questions about the nature of law: What is law, and for whom is it created? From an ontological perspective, this paradigm emphasizes that law is not an end in itself but a means to serve humanity (Milovic, 2020). Philanthropic Law views the law as a living thing that works to bring about real justice and improve people's lives, not only as a way to control people via fear. This approach is in line with Aristotle's idea that the goal of law is to bring about *eudaimonia*, which is the highest happiness of people living together in society (Bozdoğan & Erat, 2024).

Philanthropic Law, in contrast to legal positivism, which views law as an independent framework of rules separate from moral principles, prioritizes people at its core. Positivism, as defined by John Austin and H.L.A. Hart, regards law as an authoritative directive that must be adhered to, irrespective of its substantive intent. This viewpoint frequently makes law ineffective in dealing with the intricacies of social realities (Bix, 2023; Sistyawan et al., 2024). Philanthropic Law rejects such reductionist views, asserting that law only holds meaning when it is oriented toward the betterment of humanity.

The core of law in Philanthropic Law transcends the utilitarian perspective, which assesses law according to the maximum benefit it confers to the majority. The idea of the greatest happiness for the greatest number provides a pragmatic framework; nonetheless, it frequently overlooks the rights of minorities and vulnerable



populations (Giorgio Maniaci, 2021; Harel & Segal, 2014). In contrast, Philanthropic Law emphasizes that law must protect the dignity of every individual, regardless of their social or economic status. Thus, law is not assessed solely based on its collective benefits but also by the extent to which it safeguards those who are most in need (Cernic, 2018).

In this ontological view, law is also understood as a tool for fostering social harmony. Émile Durkheim conceptualized law as a mechanism for maintaining social solidarity (Javier Treviño, 2023). Similarly, Philanthropic Law underscores that law should not be repressive but should serve as an instrument facilitating fair and harmonious social relations (Kampourakis, 2022). This is particularly important in the context of increasingly pluralistic and diverse modern societies. Furthermore, law in this paradigm is regarded as an integral component of moral and social order. Thomas Aquinas' notion of *lex naturalis* (natural law), which holds that true law must reflect universal moral principles (Gui, 2022), also informs the ontological foundation of Philanthropic Law. However, this paradigm avoids the abstract moralism often associated with natural law by emphasizing the practical relevance of law in daily human life.

Philanthropic Law also critiques technocratic views that treat law as a neutral and mechanical tool. In many modern legal systems, law often becomes an instrument for perpetuating the status quo without considering its impact on marginalized groups (Stryker, 2021). This paradigm rejects those views and says that the law must be flexible and fit the demands of society at a given moment and place. Philanthropic Law situates law as an instrument for rectifying structural injustices within its ontological framework. Legal systems that are too focused on normative certainty often miss these imbalances, which can be economic, social, or political. Philanthropic Law asserts that the legal system must function as a means for the equitable distribution of justice, guaranteeing equal access to fundamental rights for every individual.

In this framework, the existence of law is also linked to current global issues like climate change, digital technology, and globalization. Philanthropic Law suggests that the law shouldn't stay the same; it should change to meet the demands of the times. In this sense, the law's job is not merely to keep society in order, but also to encourage new ideas and long-term growth (Craik et al., 2018). In this way, the ontological parts of Philanthropic Law give us a strong way to think about law as a human-centered system. Law is not just about rules; it's also about the principles that those regulations are based on. In this model, the law is given new life as a tool for higher humanitarian aims, making sure that everyone can live with dignity, fairness, and health.

## **B. Epistemological Aspects: Sources and Methods of Knowledge in Philanthropic Law**

The epistemology of Philanthropic Law examines the processes through which legal knowledge is obtained, authenticated, and implemented in society. Philanthropic Law provides a more dynamic, inclusive, and context-based

perspective, in contrast to the positivist approach that prioritizes formal and independent written norms. This paradigm perceives law not solely as a manifestation of formal authority but as an outcome of intricate interactions among written rules, ethical standards, social experiences, and human need. Social reality is a major source of knowledge in Philanthropic Law. It highlights that law cannot be seen as just an abstract set of rules. Law should be viewed as a mechanism grounded on the genuine demands of society. This paradigm thus promotes empirical examination of the functioning of law in practice, together with its impact on and interaction with social, economic, and cultural contexts. This approach not only creates laws to control society, but also to protect the best interests of all people (Magen, 2015).

In addition to social reality, moral values are a crucial source of knowledge in Philanthropic Law. This paradigm rejects the dichotomy between law and morality often inherent in positivist approaches (Giudice & Scarffe, 2021; Kaufman, 2023). From the perspective of Philanthropic Law, law must not only be formally valid but also reflect moral principles widely accepted by society. Principles such as justice, humanity, and well-being form the foundation for every legal rule formulated within this framework (Zvonkov, 2019). The epistemology of philanthropic law also takes an interdisciplinary approach. Legal knowledge cannot be comprehensively grasped solely through legal analysis; it necessitates insights from multiple disciplines. This framework integrates sociology for the examination of social dynamics, anthropology for the investigation of cultural backgrounds, economics for the assessment of the effects of legal laws, and ecology for the consideration of environmental sustainability. This is how Philanthropic Law gives us a whole and integrated view of the law.

The methods of acquiring legal knowledge in Philanthropic Law are also participatory. This paradigm emphasizes that society is not merely the object of law but an active subject in the processes of legislation, implementation, and evaluation (Phan, 2021). Through public involvement, law becomes more contextual and aligned with the needs of the people. Additionally, this approach enhances the legitimacy of law, as individuals feel a sense of ownership over the rules that shape their lives (Fahmi Ramadhan Firdaus, 2024; Ngilu et al., 2023; Novendri M, Nggili et al., 2020; Nursetiawan & Ardhanariswari, 2023). In terms of methodology, Philanthropic Law combines descriptive and normative approaches. Descriptive analysis is used to understand how law functions in practice, while normative analysis evaluates the extent to which the law reflects principles of justice and well-being (Coleman, 2004; Sommermann, 2017). By integrating these approaches, Philanthropic Law provides not only an understanding of law but also a direction for improving legal systems.

Philanthropic Law's epistemology also rejects rigid legal universalism. It asserts that law must be tailored to the social, cultural, and economic contexts in which it is applied. In many instances, legal systems imported wholesale from other jurisdictions are ineffective because they fail to account for local dynamics (De Sousa Santos et al., 2023). Therefore, Philanthropic Law promotes a more contextual and adaptive

approach while adhering to universal values such as justice and humanity. Furthermore, Philanthropic Law adopts a hermeneutical approach to understanding legal texts. Hans Georg Gadamer's hermeneutics emphasizes the importance of interpreting legal texts by considering the historical, social, and cultural contexts in which they were formulated (Iii, 2017). In Philanthropic Law, this interpretative method is employed to uncover the deeper meanings of legal rules, ensuring that law is not merely understood as a collection of words but as a reflection of the values underlying it (Adame Goddard, 2020).

Reflective analysis is also an important part of the epistemology of Philanthropic Law. This paradigm promotes critical examination of current legal rules and procedures to guarantee that the law is not only legally valid but also substantively pertinent. This reflective process entails ongoing assessment of the law's influence on real-life circumstances, with the objective of recognizing and rectifying existing deficiencies (Atkinson & Castles, 2023). The epistemology of Philanthropic Law provides a comprehensive, interdisciplinary, and interactive framework for the comprehension of law. This paradigm offers a comprehensive framework for constructing a more pertinent, equitable, and human-centered legal system by amalgamating social realities, ethical principles, interdisciplinary viewpoints, public engagement, and critical reflection. Philanthropic Law not only provides new perspectives on legal studies but also presents tangible answers for formulating legislation that address current concerns.

### **C. The Axiological Aspects of Philanthropic Law: Underlying Values and Ultimate Objectives**

The axiological dimensions of Philanthropic Law concentrate on the essential values that form the foundation of legal life and the ultimate goals it aims to attain. In this framework, legislation is perceived not just as a tool for preserving social order but also as a means for establishing substantive justice and enhancing human welfare. The main principle of Philanthropic Law includes values like humanism, fairness, inclusion, social well-being, and sustainability (Hadfield, 2011). These values set Philanthropic Law apart from other legal approaches. Humanity is the most important part of the axiological foundation of Philanthropic Law. In this paradigm, law is not perceived as an autonomous system of rules but as a means to serve humanity. As Aristotle asserted, good law enables individuals to achieve eudaimonia, or the highest form of happiness rooted in justice (Bozdoğan & Erat, 2024). Within the framework of Philanthropic Law, the value of humanity requires that law consistently prioritizes the protection of human dignity, particularly for vulnerable and marginalized groups.

Another important part of the axiological foundation of Philanthropic Law is substantive fairness. Formal justice only cares about procedural equality, whereas substantive justice says that the law should treat everyone's needs fairly (Riner & Vartkessian, 2018). This principle aligns with John Rawls's concept of justice as fairness, which holds that laws should be designed to benefit those who are least

advantaged (Jamnik, 2022). In Philanthropic Law, substantive justice means that laws should not only look fair, but they should also help society in real ways. Inclusivity is another important value in the axiological framework of Philanthropic Law. This paradigm posits that the law should not exclusively cater to the interests of particular groups, but rather, it must include all sectors of society. This approach is especially important now as the world is becoming more connected, and biased legal systems often make structural disparities and social inequality worse (Lorenzen, 2022). By prioritizing inclusivity, Philanthropic Law ensures that the law embraces diversity and promotes justice for all individuals, regardless of their social, economic, or cultural background (Azevedo et al., 2021).

Human well-being, in both individual and collective dimensions, is a central objective of law in this paradigm. Philanthropic Law integrates utilitarian considerations that emphasize collective benefit while correcting for the need to protect minority rights (Eggleston, 2012; Tusseau, 2024). Law, therefore, is not merely a tool for maintaining order but a mechanism for enhancing the quality of life within society. Human well-being becomes a critical parameter for evaluating the success of a legal system (Benish & Levi-Faur, 2020). Another important part of the Philanthropic Law's axiological framework is environmental sustainability. When dealing with global problems like climate change and resource extraction, the law needs to think about how it will affect future generations, not just short-term interests. Philanthropic Law says that sustainability is an aspect of intergenerational justice. It stresses that each generation has a duty to protect the environment so that future generations can live properly (Atta & Sharifi, 2024; Kopnina & Washington, 2020).

In the axiological framework of Philanthropic Law, social solidarity is also an important value. People don't just perceive the law as a way to keep order; they also see it as a way to bring people together. This unity is important not just at the local level, but also on a worldwide scale, especially when it comes to problems like migration, human trafficking, and economic inequality (Bailliet, 2024). Philanthropic Law aims to create a more fair and open society by encouraging people to work together. The axiological foundation of Philanthropic Law also includes accountability and openness. Furthermore, excellent laws must be made and enforced in a way that is clear to the public, so that they can comprehend and keep an eye on the process of making and enforcing laws. Accountability makes ensuring that people in charge are responsible for the laws and rules they make (Bezzina et al., 2021). Philanthropic Law not only makes people more trusting of the legal system by supporting these ideals, but it also makes sure that the law does what it was meant to do.

In the axiological framework of Philanthropic Law, flexibility is another important attribute. Laws can't stay the same in a world where technology is changing quickly and countries are becoming more connected. This framework emphasizes that laws need to change as society does, but they should still follow the same basic rules. Flexibility keeps the law up to date so that it can deal with modern problems like AI, data privacy, and the digital economy (De Morais & Staats, 2023). Morality is another

crucial dimension in the axiological framework of Philanthropic Law. This paradigm affirms that law cannot be divorced from the moral values underpinning it. Morality guides the direction of the law, ensuring that it functions not merely as a tool of control but as a means to achieve higher goals such as human welfare and social harmony (Schilling, 2022). In this context, morality also serves as a reminder to policymakers to consider the impact of laws on society's most vulnerable groups.

The axiological framework of Philanthropic Law establishes humanity, substantive justice, inclusivity, well-being, sustainability, solidarity, transparency, accountability, flexibility, and morality as its guiding principles. Philanthropic Law gives legal systems a clear path to follow and gives specific ideas for how to make laws that are more relevant, fair, and focused on people's well-being in today's world. This paradigm reclaims the essence of law as a tool to serve mankind, going beyond inflexible, technocratic institutions to establish a legal framework that is dynamic, equitable, and attentive to the intricacies of current society.

#### **IV. The Synthesis of Legal Theories in the Philanthropic Legal Paradigm**

Philanthropic Law arises as an innovative framework designed to address the shortcomings of conventional legal theories through the establishment of a comprehensive and flexible synthesis. This paradigm centers humanity in all legal endeavors and provides a comprehensive synthesis of natural law theory, utilitarianism, the sociology of law, conceptions of justice, and progressive legal frameworks. Philanthropic Law aims to provide a framework that may deal with the social, economic, and environmental problems of today by taking the best parts of each of these approaches.



**Table 1: A Comparative Analysis of Philanthropic Law and Legal Theory**

Aspect	Natural Law	Utilitarianism	Sociology of Law	Theory of Justice	Progressive Law	Philanthropic Law
Philosophical Foundation	Universal Morality and Natural Law	Collective Welfare	Law as a Tool for Social Engineering	Principles of Distributive Justice and Fairness	Law for Humanity	Humanity, Substantive Justice, and Sustainability
Primary Focus	Moral Justice as the Foundation of Law	The Greatest Benefit for the Greatest Number	Social Order and Adaptation to Social Dynamics	Justice Distribution for All, Particularly Vulnerable Groups	Law as an Instrument of Social Change	Holistic Human Well-Being
Approach to Law	Law Must Reflect Eternal Moral Values	Law is Evaluated Based on Its Impact and Benefits	Law Must Reflect Social Realities	Law is Designed for Substantive Justice	Flexible and Responsive to Societal Needs	Law Must Integrate Moral, Social, and Ecological Dimensions
Response to Social Change	Lacks Adaptability to Social Change	Responsive to the Needs of the Majority	Highly Responsive to Social Change	Responsive to Structural Injustice	Highly Responsive to Social Dynamics	Highly Responsive and Adaptive to Contemporary Challenges
Strengths	Strong in Upholding Universal Moral Principles	Pragmatic in Creating Benefit-Oriented Policies	Pragmatic and Grounded in Social Realities	Focus on Substantive Justice and Protection of Vulnerable Groups	Human-Centered Justice Orientation	Holistic, Inclusive, and Relevant to Global Issues
Weaknesses	Often Considered Abstract and Difficult to Implement	Overlooking Minority Rights for the Sake of the Majority	Insufficient Attention to Moral and Justice Dimensions	Difficult to Translate into Practical Regulations	Lacking Structure and Often Perceived as Reactive	Requires Significant Effort for Implementation in the Formal Legal System

Philanthropic Law relies on natural law theory as a fundamental philosophical underpinning. Natural law, based on the ideas of Aristotle and St. Thomas Aquinas, says that real law must follow universal moral rules (Gui, 2022). It posits that good law reflects the inherent moral justice of human existence. Philanthropic Law adopts this idea by placing moral values such as justice, humanity, and well-being at the core of legal formulation (Niccolai, 2022). However, it moves beyond abstract moral principles by integrating pragmatic approaches to ensure that these values are translated into practical, applicable regulations that address societal needs effectively.

Utilitarianism, on the other hand, gives us an alternative way to look at the law. Jeremy Bentham and John Stuart Mill came up with this philosophy, which says that

good law should benefit the most people. This method focuses on the results and effects of legal frameworks (Eggleston, 2012; Giorgio Maniaci, 2021; Tusseau, 2024). Philanthropic Law incorporates key elements of utilitarianism, particularly in measuring social welfare. However, it also critiques utilitarianism's tendency to overlook the rights of individuals or minority groups in favor of majority happiness (Harel & Segal, 2014). Philanthropic Law balances this by safeguarding human rights, ensuring that laws not only provide collective benefits but also protect vulnerable groups.

Roscoe Pound's sociological approach to law adds another important point of view to Philanthropic Law. The sociology of law sees law as a way to modify society and keep order (Szpojankowski, 2019). Philanthropic Law agrees with this point of view, claiming that the law must meet the requirements of society and deal with complicated social problems. Nonetheless, it diverges from the strictly pragmatic focus of sociological methodologies by integrating moral and ethical considerations into every legal intervention. This makes sure that laws are not just good for society, but also based on bigger humanistic principles.

The integration of justice theory into Philanthropic Law strengthens this paradigm. John Rawls's concept of justice as fairness provides a foundational principle, ensuring that laws are designed to benefit the least advantaged members of society (Jamnik, 2022). This principle is especially important in Philanthropic Law, which puts substantive justice above all else. But the paradigm extends beyond only fairness in distribution. It also includes fairness between generations to make sure that laws respect the rights of both current and future generations. Philanthropic Law broadens the framework of justice theory by integrating ecological sustainability, so introducing a more comprehensive dimension.

Progressive legal theory, as developed by Satjipto Rahardjo, also informs Philanthropic Law by contributing a critical perspective. Progressive law emphasizes that law must serve humanity and remain responsive to social changes. It challenges rigid formalism in legal systems that often disregard human needs. Philanthropic Law adopts these principles, affirming that law must function as more than a tool of power; it must serve humanity (Aulia, 2018; Rahardjo, 2006). Philanthropic Law goes even further by giving a more organized and systematic foundation. Philanthropic Law combines the best parts of all five methods into one framework. A complete and open-minded paradigm is made by combining the moral foundations of natural law, the outcome orientation of utilitarianism, the responsiveness of sociological law, the fairness standards of justice theory, and the flexibility of progressive legislation. This integration makes sure that the law not only gives people a clear idea of what is right and wrong, but also changes to meet the changing requirements of society.

This integration provides clear direction for creating fair and inclusive legal rules in practice. For example, Philanthropic Law offers a practical, ethical, and human-centered way to deal with problems like climate change, social inequity, and the misuse of technology. This paradigm combines ideas from several legal theories to come up with answers that are both broad and useful for problems around the world. This integrative approach also ensures that law retains its identity as an instrument

for achieving justice. In many modern legal systems, the debate between normative certainty and substantive justice often creates tension (Yotov, 2022). Philanthropic Law resolves this dilemma by affirming that legal certainty and justice are not opposites but complementary. Through this integration, law becomes a tool that not only regulates but also advances human life holistically.

However, a more balanced and critical examination of the conflicting legal paradigms is essential to validate the normative superiority of Philanthropic Law. Legal positivism should not be rejected just due to its separation from moral ideals; its usefulness is in fostering legal predictability, institutional neutrality, and normative clarity—principles vital for maintaining the rule of law in pluralistic communities. Utilitarianism, despite criticism for sidelining minority concerns, has played a pivotal role in the formulation of public policy by providing scalable, outcome-focused frameworks for legislative design. Likewise, natural law theory, despite its abstract nature, continues to influence rights-based constitutionalism and the ethical underpinnings of international human rights accords. Even progressive legal theory, often seen as structurally underdeveloped, plays a vital role in fostering grassroots legal reform and counter-hegemonic legal discourse in the Global South. Therefore, the superiority of Philanthropic Law cannot rest on theoretical synthesis alone, but must be tested against the empirical resilience, institutional adaptability, and normative coherence of these paradigms. Future study must rigorously interrogate how Philanthropic Law can retain its ethical commitments while absorbing the procedural strengths, strategic clarity, and doctrinal consistency embedded within the paradigms it critiques.

Philanthropic Law provides a framework that may deal with the many different legal problems of today. This paradigm combines natural law theory, utilitarianism, sociology of law, justice theory, and progressive legal philosophy to provide an approach that is both theoretically sound and useful in real life. Philanthropic Law shows that legal systems can be useful tools for making the world a better place for everyone.

Still, the desire to combine several legal ideas into one framework, like Philanthropic Law, will always cause problems with methods and norms. Integrating values such as humanism, sustainability, inclusivity, and justice is praiseworthy, but it may lead to internal incoherence without a clear normative hierarchy. For example, there may be times when ecological sustainability is at odds with immediate distributive justice, or when participative inclusion makes legal certainty less effective. Without a guiding framework to address such difficulties, Philanthropic Law could deteriorate into an eclectic assemblage of principles lacking operational rigor. To avoid this dilution, it is necessary to clarify the epistemological and axiological architecture of the paradigm: Which values serve as foundational, and which operate contextually or instrumentally? One possible resolution is to prioritize human dignity as the supreme principle, from which other values derive normative weight based on situational relevance. This approach preserves analytical sharpness

while allowing Philanthropic Law to remain adaptive without becoming conceptually fragmented. Thus, the strength of Philanthropic Law lies not in the aggregation of moral ideals per se, but in its capacity to order them coherently within a principled jurisprudential structure.

## **V. Integrating Philanthropic Law within Indonesia's Legal Framework and the Harmonization of International Human Rights Law**

The integration of Philanthropic Law into Indonesia's legal framework represents both a theoretical evolution and a normative imperative. As a paradigm rooted in values of humanity, inclusivity, and substantive justice, Philanthropic Law aligns with Indonesia's constitutional foundations, particularly Pancasila and the 1945 Constitution (UUD 1945), which emphasize justice, human dignity, and the collective welfare of society (Arifin et al., 2023; Samekto & Natalis, 2024). These foundational elements not only support but demand a reconceptualization of the legal system beyond the confines of formalism and legal positivism. Within this philosophical context, Philanthropic Law serves as a bridge that harmonizes Indonesia's normative identity with the moral imperatives of international human rights law.

The philosophical synergy between Philanthropic Law and Indonesia's legal ideology is anchored in the second and fifth principles of Pancasila: a just and civilized humanity and social justice for all Indonesians. These principles resonate with the axiological core of international human rights law, particularly the emphasis on equality, non-discrimination, and the right to human development. In this light, Philanthropic Law is not a foreign imposition but a native extension of Indonesia's constitutional soul—a paradigm that operationalizes humanitarian commitments within a localized moral and cultural matrix (Munandar & Syaipudin, 2022; N. M. Nggilu et al., 2024). Hence, the harmonization of international human rights law with national law becomes not merely a juridical process but an ethical and ontological transformation of legal consciousness.

Indonesia's involvement with international human rights law via treaty ratifications—specifically the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC)—necessitates a legal framework that can convert abstract global standards into contextually relevant, enforceable, and ethically founded national policies. Philanthropic Law fulfills this role by integrating international rights norms into a philosophical-legal framework that emphasizes substantive justice over procedural justice. Instead of seeing international law as an outside force, it considers it as a collaborator in the conversation about how to rebuild Indonesian legal principles.

To transform the conceptual alignment of Philanthropic Law with Pancasila and the 1945 Constitution into tangible legal application, it is important to investigate specific legal frameworks and institutional structures inside Indonesia. For instance, Law No. 39 of 1999 on Human Rights is a good place to start when it comes to putting philanthropic ideas into national laws. This is especially true because it stresses non-

discrimination, justice, and the right to development. In the context of law, the Constitutional Court's decisions on indigenous peoples, environmental preservation, and social security show an increasing willingness to define substantive justice in a way that is in line with Philanthropic Law. The incorporation of this paradigm could be enhanced through doctrinal reforms, including the revision of court norms to mandate moral and humanitarian reasoning in constitutional interpretation. Institutionally, entities like the National Commission on Human Rights (Komnas HAM) and the Indonesian Ombudsman might facilitate the implementation of Philanthropic Law by integrating inclusive and participatory legal review systems. Additionally, the Supreme Court's Regulation No. 1 of 2019 on case guidance in environmental conflicts already incorporates ideas similar to ecological justice, which is a key part of Philanthropic Law. These instances demonstrate that Philanthropic Law should not stay merely symbolic; it can be systematically institutionalized through amendments, interpretative changes, and value-based policy mandates that reinforce Pancasila as a dynamic constitutional philosophy rather than a superficial commitment.

At the level of epistemology, the incorporation of Philanthropic Law requires a reevaluation of the production and legitimization of legal knowledge in Indonesia. Legal positivism, which is the main idea behind Indonesia's laws and courts, puts more value on following the rules and procedures than on moral and social issues (Aldyan & Negi, 2022). Philanthropic Law challenges this hegemony by asserting that legal validity must be measured not only by formal sources but also by the law's ability to advance human dignity, social equity, and ecological sustainability. This reorientation has profound implications for constitutional interpretation, legal drafting, and judicial reasoning, especially in areas such as labor rights, environmental protection, indigenous sovereignty, and digital privacy.

The integration of Philanthropic Law acts as a countermeasure to the technocratic inclinations in Indonesian legal evolution, which frequently prioritize efficiency and legal certainty over justice and human welfare. In practice, this has resulted in an abundance of rules and regulations that, although theoretically legitimate, sustain systemic inequalities and neglect the actual circumstances of oppressed communities. Philanthropic Law emphasizes the moral goal of law and advocates for a transition from regulatory proliferation to normative coherence—an approach to law that assesses success based on the quality of justice provided rather than the number of laws established (Lisma, 2019; Mudhoffir & A'yun, 2021).

Additionally, the alignment of international human rights standards with Indonesia's domestic legal system, viewed through the prism of Philanthropic Law, requires an inclusive legal procedure. This model is different from top-down legal transplantation models since it focuses on open discussion, social empathy, and being able to adapt to different situations. For instance, including international standards of gender equality or freedom of expression must be harmonized with Indonesia's pluralistic socio-legal context, which encompasses religious principles, customary



law, and indigenous knowledge. Philanthropic Law addresses this complexity by advocating for a dialogical approach, wherein international standards are not passively accepted but are normatively “translated” into frameworks that are both globally coherent and locally relevant.

Importantly, the application of Philanthropic Law as a vehicle for legal harmonization does not merely involve legal instruments but also institutional transformation. Indonesia’s legal institutions—including the judiciary, legislature, and administrative agencies—must be reoriented toward a more humanitarian jurisprudence. This entails judicial activism grounded in human rights, legislative drafting guided by the principle of vulnerable group protection, and executive regulation based on the ethical use of state power. Philanthropic Law offers a conceptual compass to navigate this transformation by placing human dignity and intergenerational justice at the center of legal institutional reform (Wolf, 2024).

From a regulatory standpoint, the implementation of international human rights law within national legal systems often suffers from fragmentation and incoherence. Indonesia’s legal system is no exception, with overlapping jurisdictions, inconsistent interpretations, and limited enforcement mechanisms. Philanthropic Law introduces a harmonizing logic that integrates fragmented regulations under a unified humanitarian ethos.(Kusniati et al., 2024) For example, environmental regulations can be aligned with the right to a healthy environment, while digital governance frameworks can be infused with international standards on data protection and privacy, all under the canopy of a law committed to human well-being.

The conceptual synthesis of Philanthropic Law facilitates a reevaluation of Indonesia's position within the global legal framework. Instead of just following international rules, Indonesia can actively contribute to global justice discussions if it has a legal system that is based on philanthropy. Indonesia has the ability to affect the evolution of international human rights legislation from the Global South perspective through its dedication to humanitarian constitutionalism, environmental stewardship, and multicultural legal culture. In doing so, Philanthropic Law becomes not only a domestic reform agenda but also a diplomatic and ethical strategy for legal globalization with dignity.

## **VI. Critiques and Challenges in the Implementation of Philanthropic Law**

People do not always agree with or find it easy to follow Philanthropic Law, even if it is based on ideals like humanity, substantive justice, and sustainability. Since this is a novel way of doing things, it can face pushback from different groups, especially those who follow well-established traditional legal paradigms like legal positivism. Legal positivism, which stresses normative certainty (Sistyawan et al., 2024), often perceives the philanthropic approach as overly idealistic and difficult to operationalize within formal and technocratic legal systems. A primary critique of Philanthropic Law is its perceived abstract and normative nature. Its focus on values like humanity and substantive justice is often considered challenging to translate into concrete regulations. Legal systems dominated by positivism prioritize explicit rules

and clear procedures, viewing attempts to integrate moral and social values into law as impractical (Martin, 2014; Spaak & Mindus, 2021). This critique highlights an epistemological challenge in transforming philanthropic principles into legal instruments that can be consistently applied

Institutional resistance to paradigm shifts in law presents another significant challenge. Many legal institutions are entrenched within rigid and hierarchical normative structures (Di Carlo, 2020). In this context, Philanthropic Law's emphasis on flexibility, inclusivity, and public participation is often seen as incompatible with established institutional mechanisms. These systems tend to be conservative, making paradigm shifts in law a slow process requiring sustained efforts to gain legitimacy (Pomaza-Ponomarenko et al., 2024). Practical implementation of Philanthropic Law also faces challenges. In many countries, legal systems are heavily influenced by political and economic powers, often sidelining issues such as protecting vulnerable groups or prioritizing sustainability (Marotta, 2022). Consequently, while Philanthropic Law proposes solutions for achieving substantive justice, its implementation is frequently hindered by power dynamics resistant to change

Another significant challenge lies in the lack of public awareness and understanding of the values underpinning Philanthropic Law. In nations with low levels of legal literacy, the importance of a law centered on humanity and sustainability may not be fully appreciated. This lack of awareness can obstruct public participation in legislative and implementation processes, which are critical elements of Philanthropic Law (Goodwin & Maru, 2017). Therefore, broader legal education efforts are needed to enhance public understanding of this paradigm's significance. On a global scale, Philanthropic Law encounters difficulties in reconciling universal values with local needs. While it emphasizes universal principles such as justice and inclusivity, its implementation must be tailored to the social, cultural, and economic contexts of individual countries. Misalignment between universal values and local needs can create tensions that hinder effective application (Bláhová, 2022). Thus, a more contextual and participatory approach is essential for adapting Philanthropic Law to diverse regions.

Potential conflicts between the moral values championed by Philanthropic Law and short-term economic interests also pose a significant challenge. Many legal systems remain focused on economic growth, often at the expense of sustainability and social justice (Marotta, 2022). In this context, Philanthropic Law can be viewed as being at odds with the most important economic goals, which means that strong methods are needed to bring philanthropic values in line with realistic economic goals. The worldwide problems that Philanthropic Law wants to solve, such as climate change, human trafficking, and the misuse of digital technology, make it much harder to put into practice. These problems include many people and interests from other countries, therefore local laws aren't enough. Philanthropic Law provides comprehensive solutions; nonetheless, overcoming these difficulties necessitates efficient cross-border collaboration. But different national interests frequently make it

hard to reach an international consensus.

A significant challenge is coming up with concrete ways to measure how well Philanthropic Law is working. The paradigm has a hard time measuring its impact in numbers because it focuses on principles like substantive justice and sustainability. Formal metrics, including the number of cases that have been solved or the rates of compliance, are often used by current legal systems. To fix this, Philanthropic Law needs to come up with a more complete way to evaluate how well it is doing at fostering human well-being and substantive justice. Philanthropic Law provides a transformative and humanity-centered approach to law, its implementation faces substantial critiques and challenges. Overcoming these barriers requires addressing institutional resistance, enhancing public understanding, reconciling universal values with local needs, and developing robust evaluation frameworks. By tackling these challenges, Philanthropic Law has the potential to offer innovative and effective solutions to contemporary global legal issues.

To counter the criticism that Philanthropic Law is excessively abstract and lacks practical relevance, it is crucial to illustrate its applicability through specific legal phenomena within Indonesia's positive law framework. For example, Indonesia's Constitutional Court has partially shown how humanitarian ideals can be used to safeguard vulnerable groups, such as in decisions about indigenous land rights or the judicial review of the Omnibus Law on Job Creation. These cases demonstrate the inherent capacity of Philanthropic Law to actualize substantive justice through the interpretation of legal texts in accordance with human dignity and socio-ecological equilibrium. Furthermore, legal instruments such as the Law No. 32 of 2009 on Environmental Protection and Management incorporate participatory and sustainability principles that align with philanthropic values, particularly in provisions related to public involvement in environmental decision-making and the principle of intergenerational justice. The implementation of the Constitutional Court's decision No. 35/PUU-X/2012, which recognized the constitutional rights of indigenous peoples over customary forests, provides an empirical model where formal law was reinterpreted through a humanitarian and inclusive lens. These examples suggest that while the paradigm of Philanthropic Law is still underdeveloped institutionally, its normative aspirations can be anchored in evolving judicial practice and sectoral regulations, thereby offering an operational foothold for its gradual institutionalization within Indonesia's formal legal architecture.

## **VII. Legal and Policy Recommendations for Advancing Humanitarian-Based Law in Indonesia**

To effectively incorporate Philanthropic Law into Indonesia's legal framework, a comprehensive sequence of legislative and policy reforms must be implemented with philosophical rigor and institutional transparency. First and foremost, the state must move beyond a formalistic understanding of legal harmonization and embrace a value-based legislative technique. This means that laws should not only follow international human rights treaties as they are written, but they should also follow

their moral obligations, especially those that have to do with justice, equality, human dignity, and solidarity. The process of harmonization should be seen as an ethical adjustment of the legal system, not just a change in the law.

A critical area for reform lies in legal drafting. House of Representatives of the Republic of Indonesia (*Dewan Perwakilan Rakyat hereinafter written as DPR*) should adopt a philanthropic lens when formulating or revising laws, ensuring that every piece of legislation explicitly addresses the potential impact on vulnerable and marginalized groups. This calls for the institutionalization of Human Rights Impact Assessments (HRIAs) as a prerequisite for all new legal instruments (Brodeur et al., 2019). These assessments should be participatory, inclusive, and methodologically grounded in the principles of Philanthropic Law, such as intergenerational justice, ecological responsibility, and social equity.

Second, judicial reform is essential. The judiciary needs to go from a simply positivist paradigm of decision-making to one that includes moral reasoning and an understanding of the situation. Judicial rulings, particularly in constitutional and administrative matters, ought to expressly invoke international human rights jurisprudence and construe national law through the lens of humanitarian values. The Indonesian Constitutional Court and Supreme Court ought to publish interpretation rules that emphasize the attainment of substantive justice over procedural inflexibility. This can help establish a live body of law that connects international obligations with the way things are done in the local legal system.

Third, regulatory coherence must be pursued through a systemic review of overlapping and contradictory legal provisions. Indonesia's decentralized and sectoral legal environment often leads to fragmentation, particularly in areas like environmental regulation, labor protection, and indigenous rights (Sagita & Budi, 2024). A centralized body—such as a National Commission on Humanitarian Law Reform—could be established to conduct periodic reviews of legal coherence and alignment with international human rights law, guided by the integrative principles of Philanthropic Law. This commission must include interdisciplinary experts and civil society actors to ensure legitimacy and contextual accuracy.

Fourth, legal education and professional training must be transformed to reflect the paradigm of Philanthropic Law. Law faculties in Indonesia should revise their curricula to incorporate courses on legal philosophy, human rights, sustainability, and participatory jurisprudence. Moreover, continuing legal education for judges, prosecutors, advocates, and public officials should include modules on how to operationalize humanitarian principles in daily legal practices. Only through a generational shift in legal epistemology can the culture of justice envisioned by Philanthropic Law take root institutionally.

Fifth, public participation and community empowerment should be elevated as a legal principle, not merely a procedural formality. Philanthropic Law emphasizes that law is not a top-down instrument of control but a participatory mechanism of collective moral agency. In this regard, village regulations, and local customary laws

must be recognized as legitimate sources of humanitarian law-making, provided they are in harmony with constitutional and human rights values. Legal pluralism must be nurtured within a human rights-oriented framework, ensuring cultural legitimacy and normative alignment.

Sixth, policy-making in economic governance should be restructured to prioritize the humanistic dimensions of law. In sectors such as land use, natural resource management, investment law, and taxation, the dominant framework remains driven by market efficiency and economic growth. Philanthropic Law demands a reversal of priorities: economic policies must be evaluated in terms of their impact on the rights and welfare of individuals, communities, and the environment. Regulatory instruments such as Environmental Impact Assessments (EIAs) and Corporate Social Responsibility (CSR) requirements must be redefined in light of humanitarian values and rights-based obligations.

Seventh, Indonesia's international legal diplomacy should embrace a more normative leadership role. As the world's third-largest democracy and a pluralistic society, Indonesia is well-positioned to advocate for a Global South perspective on human rights that is both culturally rooted and ethically robust. Through active engagement in ASEAN, the UN Human Rights Council, and global environmental governance forums, Indonesia can champion Philanthropic Law as a model of human-centered legal harmonization. This approach can counterbalance hegemonic models of human rights universalism that often ignore cultural particularities and socio-economic asymmetries.

Eighth, it ought to make access to justice systems more open and available to everyone. We need to expand legal aid programs, pro bono services, and alternative conflict resolution platforms so that justice is not just available in the law but also in society. Philanthropic Law says that justice should not be based on how well the law is written, but on how well it works for the most disadvantaged people. Thus, the government must put money into legal empowerment programs that help people learn, change, and use the law in ways that respect their rights and independence.

### **VIII. Conclusion**

This study illustrates that the Philanthropic Legal Paradigm provides a transformative and integrative solution to the shortcomings of traditional legal theories—specifically legal positivism, utilitarianism, natural law, and progressive legal thought—by emphasizing humanity, substantive justice, inclusivity, and sustainability. Through ontological, epistemological, and axiological reconstruction, law is reinterpreted as an ethically grounded mechanism aimed at promoting human wellbeing and social harmony, rather than a value-neutral regulatory instrument. This study's novelty is rooted in its development of a complete legal framework that integrates several philosophical traditions while confronting modern issues such as global inequity, environmental degradation, technology exploitation, and structural injustice. The framework offers a contextual foundation for incorporating international human rights standards into national legal systems, especially in Indonesia, by



harmonizing with the philosophical principles of Pancasila and the 1945 Constitution. This article advocates for a comprehensive reconfiguration of Indonesia's legal and legislative framework through the implementation of Philanthropic Law, encompassing value-oriented legislative drafting, ethically motivated judicial reasoning, the creation of a national humanitarian law reform institution, and the overhaul of legal education and civic engagement. In addition to technical harmonization, the integration of international human rights law should be directed by a normative dedication to humanity and intergenerational fairness. Future studies should investigate the implementation of this paradigm within certain legal domains and its prospective influence on regional and global legal diplomacy.

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