The Divine Values in The Development of Legal Science: A Perspective of the Philosophy of Science

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Abstract: This research seeks to explore the divine values in the development of legal science through the lens of the philosophy of science. In the context of humans as social beings created by the Almighty God, law functions as a normative guide to achieve justice and regulate social interactions. This research focuses on two main issues: the influence of divine values on the formation and development of legal science, and the integration of these values to create a balance between legal certainty, utility, and justice. This study employs a qualitative approach using historical and analytical methods. The type of research is a literature study. This research utilizes primary legal materials such as books, scholarly articles, previous academic studies, and other documents discussing divine values, the philosophy of science, and their relationship with legal principles such as justice, utility, and legal certainty. Subsequently, all obtained data is analyzed through qualitative analysis. The findings indicate that divine values play a crucial role in shaping a divinely-oriented legal paradigm that not only prioritises the formal aspects of law but also the moral and spiritual values derived from religious teachings. From this perspective, law is understood as a manifestation of universal divine values, with Pancasila serving as the epistemological framework that ensures the integration of moral principles within Indonesian law. Furthermore, divine values can create harmony between legal certainty, utility, and justice, where the concept of justice is emphasised to be not merely formal but also substantive, reflecting social justice and human dignity as creations of God. This research underscores the importance of divine values as a foundation in the development of legal science that is adaptive to the social dynamics of society.

Keywords: values; divinity; development; legal science.

Abstrak: Penelitian ini bertujuan untuk mengkaji nilai-nilai ilahi dalam perkembangan ilmu hukum melalui perspektif filsafat ilmu. Dalam konteks manusia sebagai makhluk sosial yang diciptakan oleh Tuhan Yang Maha Kuasa, hukum berfungsi sebagai panduan normatif untuk mencapai keadilan dan mengatur interaksi sosial. Penelitian ini fokus pada dua isu utama, pertama, terkait pengaruh nilai-nilai ilahi terhadap pembentukan dan perkembangan ilmu hukum. Kedua, integrasi nilai-nilai tersebut untuk menciptakan keseimbangan antara kepastian hukum, kegunaan, dan keadilan. Penelitian ini menggunakan pendekatan kualitatif dengan metode historis dan analitis. Jenis penelitian ini adalah studi literatur. Penelitian ini memanfaatkan bahan-bahan hukum primer seperti buku, artikel ilmiah, studi akademik sebelumnya, dan dokumen lain yang membahas nilai-nilai ilahi, filsafat ilmu, dan

hubungannya dengan prinsip-prinsip hukum seperti keadilan, kegunaan, dan kepastian hukum. Selanjutnya, semua data yang diperoleh dianalisis melalui analisis kualitatif. Temuan menunjukkan bahwa nilai-nilai ilahi memainkan peran krusial dalam membentuk paradigma hukum yang berorientasi pada Tuhan, yang tidak hanya memprioritaskan aspek formal hukum tetapi juga nilai-nilai moral dan spiritual yang berasal dari ajaran agama. Dari perspektif ini, hukum dipahami sebagai manifestasi nilai-nilai ilahi yang universal, dengan Pancasila sebagai kerangka epistemologis yang memastikan integrasi prinsip-prinsip moral dalam hukum Indonesia. Selain itu, nilai-nilai ilahi dapat menciptakan harmoni antara kepastian hukum, kegunaan, dan keadilan, di mana konsep keadilan ditekankan tidak hanya secara formal tetapi juga substantif, yang mencerminkan keadilan sosial dan martabat manusia sebagai ciptaan Tuhan. Penelitian ini menggarisbawahi pentingnya nilai-nilai ilahi sebagai landasan dalam pengembangan ilmu hukum yang adaptif terhadap dinamika sosial masyarakat.

Kata kunci: nilai-nilai; keilahian; ilmu hukum.

INTRODUCTION

Humans strive to understand the law, both as a normative guide to achieve justice and as a practical mechanism for regulating social life concretely. Humans are beings created by the Almighty God with inherent limitations. In life, humans will always interact with one another in various aspects, both individually and collectively. Ultimately, humans will form relationships that involve cooperation as well as conflicts among individuals, which are part of social dynamics.

In the study of legal science, various issues arise, particularly in understanding the development of law itself. Legal science can be divided into several dimensions, such as legal dogmatics, legal theory, and the philosophy of law.[1] Legal dogmatics focuses on the examination of positive law (ius positivum) that is in force and its application in society. This encompasses the interpretation of established legal rules and how these rules are applied practically. When law is understood in a broader context, we can see that it also serves to create justice and support a harmonious social order.

Discussing legal science can be interpreted as discussing everything related to law.[2] This encompasses a very broad spectrum of issues. According to Curzon, as quoted by Satjipto Rahardjo, legal issues have a scope that cannot be clearly defined. Legal science itself can be understood as a discipline that studies the objective meaning of the legal system.[3] J.H. Von Kirchmann states that legal science is often understood as a discipline closely related to positive law, as positive law is a fundamental part of social life. However, positive legal systems must always be able to adapt to changes that occur

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[1] Edy Faishal Muttaqin, "Eksistensi Ilmu Hukum terhadap Ilmu-Ilmu Lain Ditinjau dari Filsafat Ilmu." *Jurnal Ilmu Hukum Universitas Riau* 1, no. 1 (Agustus 2010). 4
[2] Satjipto Rahardjo. *Ilmu Hukum*. (Bandung: Citra Aditya Bhakti, 2000). 12
[3] Bernard L. Tanya, et al., *Teori Hukum*. (Yogyakarta: Genta Publishing, 2013). 6

within society.[4] In other words, the law in force is not static but dynamic, allowing it to be continuously updated according to the needs and social changes that occur.

Law, derived from the Arabic language, can be interpreted as a collection of regulations composed of norms and sanctions that function to regulate order in society.[5] Law encompasses all rules, principles, and foundations aimed at maintaining social order. In the history of human thought, there are two main competing paradigms regarding the concept of law according to its essence as humans seek the truth. The first claims that law is merely a normative moral obligation, while the second, which shifts to an opposing position, states that law is nothing more than empirical certainty that is factual[6].

Philosophically, law is closely related to humans. As social beings, humans require interaction with one another, which in turn creates social relations. In these interactions, legal rules are necessary as a foundation to regulate all actions and relationships among individuals. Therefore, the principle ibi societas ibi ius arises, meaning "where there is society, there is law."[7] Law is created for society with the aims of providing certainty, utility, and justice.

Philosophy in relation to various branches of knowledge is a unique branch of philosophy, encompassing a wide range of topics. As a discipline, the philosophy of science aims to make science its object of study as a whole, profoundly, and rational, with a critical, logical, and methodical approach[8]. The primary goal of the philosophy of science is to achieve a clear, accurate, comprehensive, and fundamental understanding of science, thereby providing a solid theoretical foundation for the systematic development of knowledge.

In the philosophy of science, a scientific field needs to be explained through three main aspects: ontology (what is the object of study), epistemology (how to obtain knowledge about the object), and axiology (what knowledge is used for). When discussing divine values in the development of the philosophy of science, it is important to first understand the position of law within this framework. This is so that the normative approach (based on values) is not separated from the scientific basis.

Its ontology, legal science studies legal norms, which are the rules that govern human behavior in society and the state. These norms are not just social or psychological

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[4] Jan Gijsels dan Mark van Hoecke, *Apakah Teori Hukum Itu?*, terjemahan Bernard Arief Sidharta Bandung: Laboratorium Hukum Fakultas Hukum Universitas Katolik Parahyangan, 2000, hlm 160.

[5] Firman Yudhanegara et al., *Pengantar Filsafat Hukum: Sebuah Ontologi, Epistemologi dan Aksiologi Ilmu Hukum*, ed. Moh. Mujibur Rohman, (Jambi: PT. Sonpedia Publishing Indonesia, 2023). 12

[6] Emanuel Raja Damaitu et al., *Eksplorasi Awal dalam Ilmu Hukum* (Batam: Yayasan Cendikia Mulia Mandiri, 2024), 58

[7] J. Abdullah, "Refleksi dan Relevansi Pemikiran Filsafat Hukum Bagi Pengembangan Ilmu Hukum," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 6, no. 1 (2016).

[8] Muhammad Aldo Savero, Aqila Husna, Ania Nasyira, Faiza Nisrina, dan Roselia Ariyanti, "Pengaruh Aliran Filsafat Hukum: Aliran Hukum Alam, Positivisme Hukum, dan Utilitarian dalam Perkembangan Ilmu Hukum," *Perkara: Jurnal Ilmu Hukum dan Politik* 2, no. 2 (Juni 2024): 295–306, https://doi.org/10.51903/perkara.v2i2.1911.

symptoms, but contain an ideal value of what should happen. Therefore, legal science cannot be equated with pure empirical science. The object of law has two sides: a normative-dogmatic nature and its relation to social reality. Epistemologically, the science of law acquires knowledge by interpreting positive legal norms and developing legal theories based on legal principles, logic, and construction. Its way of thinking tends to be deductive (from principle to application), but it can also use empirical methods to understand the application of law in society.

Therefore, legal philosophy and legal theory play an important role in building a deep and systematic understanding of law. In terms of axiology, the goal of legal science is to create justice, legal certainty, and utility. However, in recent times, ethical and transcendental values—such as divine values—have begun to be incorporated as a basis for the development of law. Divine values are important because they touch the core purpose of the law: directing human behavior to conform to universal moral values, for the attainment of true justice. To strengthen the understanding of legal science, H.J. Meuwissen divides it into three main layers:[9] Legal Dogmatics (rechtsdogmatiek): The study of the applicable positive law. Here, the law is structured logically and systematically so that it can be applied in practice. Legal Theory (rechtsleertheorie): Reflection on the structure and principles of law to find order and rationality in law. Philosophy of Law (rechtsfilosofie): A more in-depth study of the meaning of law, justice, and the fundamental values of law, including transcendental values such as divinity

The philosophy of science, according to Jujun S. Suriasumantri, is a combination of epistemological traditions (the philosophy of knowledge) that seeks to understand science in depth.[10] As explained by Jan Gijsels and Mark van Hoecke in their book "*What is Legal Theory?*", the philosophy of science aims to answer fundamental questions related to science, such as what the nature of science is, how the scientific process occurs, and what the benefits of science are.

From the perspective of the philosophy of science, it turns out that law is not only understood as a product of rational human thought but also as a reflection of transcendental values derived from faith in the Almighty God. Examining divine values in the context of the development of legal science is important to highlight the moral and ethical dimensions underlying the law, as well as to provide a more comprehensive foundation for understanding the relationship between spiritual values, legal policies, and societal dynamics. This paper will examine how divine values influence the formation and development of legal science in the context of the philosophy of science, and how the integration of divine values can create a balance between legal certainty, benefit, and justice in the application of legal science.

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[9] L.J. van Apeldoorn, *Meuwissen tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum, dan Filsafat Hukum*, penerjemah, B. Arief Sidharta, (Bandung: Refika Aditama, 2018), 1-23.

[10] Lasiyo, *Filsafat Ilmu Pengetahuan*, dalam *Materi Kuliah Filsafat Ilmu*, (Program Doktor, Program Pascasarjana Universitas Airlangga, Surabaya, 2005), 1.

This research employs a qualitative approach using historical and analytical methods. This approach is chosen to explore and understand divine values in the development of legal science and how the perspective of the philosophy of science contributes to that understanding. This form of research is a literature study. Specifically, this research analyzes literature related to philosophy, legal texts, and relevant literature discussing the relationship between divine values and legal science. This research uses primary legal materials such as books, scholarly articles, previous academic studies, and other documents discussing divine values, the philosophy of science, and their relationship with legal principles such as justice, benefit, and legal certainty. Subsequently, all obtained data are analyzed through qualitative analysis.

DISCUSSION

Law

Law has various meanings and interpretations adapted from different languages, such as "Law" in English, "Recht" in Dutch and German, and "Droit" in French, all of which refer to rules.[11] In the terminology of Black's Law Dictionary, law is defined as the entirety of binding rules that have legal force to regulate human behavior. Meanwhile, the Webster's Compact English Dictionary describes law as rules of conduct enforced by authorities in an organized community.[12] A similar view is provided by the World Book Encyclopedia, which states that law is a set of regulations enforced by the government through its apparatus, such as the police and courts. In the context of the Indonesian language, the term law derives from the Arabic word hukum (singular) or ahkam (plural), meaning legislation or provisions. Utrecht explains that law is a collection of regulations that govern societal order and are binding, while Plato defines law as a systematic and binding set of regulations for society. Cicero views law as true reason, in accordance with nature, eternal, and unchanging, while Van Apeldoorn emphasizes that law is difficult to define because it lacks a physical form but can be seen as society itself in the context of social relations.[13]

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[11] Aris Prio Agus Santoso, Muhamad Habib, dan Guritno Adi Nugroho, "Relasi Filsafat Ilmu, Hukum, Agama dan Teknologi," *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* 7, no. 1 (Januari 2023): [halaman jika diketahui], https://doi.org/10.58258/jisip.v7i1.4146.

[12] Edi Sumanto, "Hubungan Filsafat dengan Bahasa," *El-Afkar* 6, no. 1 2017 hlm 4

[13] Bambang Hermoyo, "Peranan Filsafat Hukum Dalam Mewujudkan Keadilan," *Wacana Hukum* 9, no. 2 2010

Philosophy of Science

The meaning of the word "philosophy" comes from the Greek word philosophia, which means "love of wisdom." [14] Meanwhile, the word "science" is rooted in the Arabic word 'alima, ya'lamu, 'ilman with the pattern fa'ila, yaf'alu, which means to understand deeply. In English, science is referred to as science, derived from the Latin word scientia (knowledge) and scire (to know). The closest synonym in Greek is episteme[15]. The historical development of the philosophy of science began in ancient Greece when science began to develop as part of knowledge emerging from the West. However, in the 17th century, science underwent a significant change with the separation of science from philosophy, making both stand alone. Before the 17th century, science was still considered an integral part of philosophy. This view aligns with Van Peursen's perspective, which states that during that time, science was a branch of philosophy, and its definition was highly dependent on the philosophical system adhered to[16].

Ontology as the first dimension of the philosophy of science is related to the nature of reality or the existence of an object of study. In this case, law has an object that is not only empirical, but also normative. Legal norms do not only describe social reality, but rather what they should be, which is a form of ideal. This shows that the object of the study of law is twofold: normative-dogmatic as well as having a relationship with social reality. Therefore, the science of law cannot be equated with the purely natural or social sciences that rely entirely on empirical facts. Epistemology in the philosophy of science investigates how knowledge is acquired and what is the basis for its justification. In the context of law, knowledge is obtained through the interpretation of positive legal norms, the use of deductive logic, and the development of legal theories based on certain principles. However, this approach does not rule out the possibility of using empirical methods, especially in understanding how laws are applied and function in society. Legal philosophy and legal theory here play an important role as a reflective and systematic foundation in building a scientific understanding of law. Meanwhile, axiology touches on the dimension of values and goals of science. In law, the main goals that are often referred to are justice, legal certainty, and utility. However, in its development, there has been an awareness of the importance of ethical and transcendental values, such as divine values, as a normative basis in the formation and development of law. The divine value here is not solely related to religion in a narrow sense, but as a representation of universal moral values that animate true justice, goodness, and humanity. By placing divine values as part of the axiological framework of law, law not only serves to regulate, but also guide and humanize common life.

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[14] Mohamad Rapik, "Diskursus Filsafat Ilmu (Dari Peradaban Manusia ke Peradaban Tuhan)," *Jurnal Titian* 1, no. 2 (2017). 3

[15] Biyanto, *Filsafat Ilmu dan Ilmu Keislaman* (Yogyakarta: Pustaka Pelajar, 2015). 2

[16] Nurdin K. dan Hasriadi, *Filsafat Ilmu* (Palopo: Lembaga Penerbit Kampus IAIN Palopo, 2020). 4

To reinforce this position, it is important to refer to the thought of H.J. Meuwissen who differentiates the legal science into three main layers: legal dogmatics, legal theory, and legal philosophy. Legal dogmatics is the study of positive norms that apply and is carried out systematically and logically so that they can be applied in practice. Legal theory is a reflection on the structure and principles of law, seeking order and rationality. Meanwhile, the philosophy of law is the highest form of development, which asks not only "what is law", but also "why does law exist", "what does law exist for", and "how law should be". It is in this last layer that divine values are most relevant to study, since they touch on the philosophical, ethical, and even spiritual foundations of the existence of law.

Immanuel Kant is regarded as the founder of the philosophy of science due to his view that philosophy is a discipline capable of demonstrating the limits and scope of human knowledge.[17] According to him, human knowledge is not always adequate to answer profound questions that cannot be reached by empirical scientific inquiry. Kant emphasized that axiological reflection on the benefits of science, namely the consideration of the values and purposes of scientific achievements, can only be undertaken by philosophy.

The philosophy of science has two types of objects of study, namely material objects and formal objects. Material objects refer to the primary focus or primary object studied by the philosophy of science, which is knowledge itself. Meanwhile, formal objects refer to the perspective adopted by scholars to examine their material objects, encompassing aspects of sources, structure, methods, and the effectiveness of scientific knowledge[18].

Divine Values Influence the Formation and Development of Legal Science in the Context of the Philosophy of Science

Divine values hold a significant position in legal discourse, where many legal systems around the world acknowledge the influence of moral and ethical values rooted in religious teachings. In this context, law is not only viewed as a set of norms regulating human behavior but also as a tool to promote justice that reflects divine values. In relation to this, Abdul Said in his book "Legal Philosophy: A New Paradigm in Legal Science" explains that divine values can provide moral guidance in law enforcement and fair decision-making. This demonstrates that the understanding of divinity in the context of law involves not only normative aspects but also practical aspects of national and state life.[19]

Before discussing further on divine values in the development of law, we should first understand how the philosophy of science works. The philosophy of science can be

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[17] Tri Santi, Muhammad Nurwahidin, dan Sudjarwo, "Peran Filsafat Ilmu dalam Perkembangan Ilmu Pengetahuan di Era Modern," *Journal of Innovation Research and Knowledge* 2, no. 6 (November 2022) 2564

[18] Sumarna, C., *Filsafat Ilmu, Mencari Makna Tanpa Kata dan Mentasbihkan Tuhan dalam Nalar*, 66

[19] Abdul Said, "*Filsafat Hukum: Paradigma Baru dalam Ilmu Hukum*". (Jakarta: PT. Raja Grafindo Persada, 2015). 45-60

said to be the foundation of thinking in the scientific world. It helps us understand three important things: first, what we learn (ontology); second, how we know something is true (epistemology); and third, what knowledge is used for (axiology). By understanding this, we can see the law not merely as a collection of rules, but as a field of science that has a deeper meaning and a broader purpose.

In discussing ontology in law, the focus is the norm or rule of law. This is different from the natural or social sciences which study more concrete facts. The law places more emphasis on "what should be" than "what happens". Thus, legal science has two sides: one side is ideal or normative, and the other side remains connected to existing social reality. Then in terms of epistemology, or how to acquire legal knowledge, the approach is not only based on observation or experiment as in the natural sciences. Legal science relies more on interpretive methods and logical reasoning. For example, lawyers often use deductive methods: starting from a general principle or principle, then drawing conclusions for a specific case. But that doesn't mean the empirical method can't be used—especially when looking at how the law is actually applied in society.

Then what about the axiological aspect, which concerns the purpose of legal knowledge? So far, we have often heard that law aims to ensure justice, establish legal certainty, and promote social utility. But in recent times, more and more legal thinkers have integrated ethical and spiritual elements, including divine values, into the legal framework. These divine values are important because they restore the law's moral foundation. They remind us that the law is about more than rules and sanctions, but also about goodness, true justice, and humanity.

To understand this more deeply, we can look at the opinion of H.J. Meuwissen, a prominent legal philosopher. He explains that in legal science, there are three main layers: first, legal dogmatics which examines positive legal norms (applicable law); second, legal theory which tries to understand the structure and principles of law more deeply; and third, the philosophy of law that explores fundamental questions, such as: why does law exist, what is law for, and how it should work. Indeed, the discussion of divine values is actually best placed in this third layer—the philosophy of law—because this is where law is not only seen as a system of rules, but as part of human morality and culture. From this explanation, we can conclude that starting a discussion from the philosophy of science makes it easier for us to understand law as a whole. Not only from the technical or formal side, but also from the side of deeper values. And with this approach, we can also see that divine values are not something foreign to the legal framework. In fact, it can be a strong foothold in building laws that are just, moral, and in favor of humanity.

Law can be seen as an instrument to achieve the ideals of justice, where justice itself is directly related to divine values. According to Peter Mahmud Marzuki in his writing "Legal Research," justice is not merely the enforcement of legal regulations but also relates to the recognition of human rights and civic virtue / human decency. He emphasizes the importance of human dignity as moral beings, where divine values should serve as the

foundation for formulating balanced and civil justice. This understanding reinforces the argument that law cannot be separated from divine norms in social interactions[20].

Science is an endeavor to uncover reality through appropriate systems and methods, both from the material and formal aspects. Currently, empirical science with quantitative methods tends to be the primary focus. This is greatly influenced by Auguste Comte's positivist view, which introduced three stages of scientific development. First, science liberates itself from the influence of mythological and theological thought. Second, science leaves the abstract metaphysical environment. Third, science ultimately achieves its autonomy in a positivistic environment. As it develops, various branches of science that are more specific and profound emerge through measurable scientific methods[21].

In the context of the philosophy of science, this development reflects the relationship between epistemology, ontology, and the axiology of scientific knowledge. The philosophy of science not only highlights how scientific knowledge develops methodologically but also delves into the essence of science itself and its ultimate goal in providing benefits and truth for humanity.

The philosophy of science is a branch of epistemology, which is the philosophy of knowledge, specifically examining the essence of scientific knowledge. The development of the philosophy of science is rooted in the thoughts of great philosophers, such as Plato, who is considered the first figure to introduce epistemology in the philosophy of science. His thoughts laid the foundation for the growth of the study of the philosophy of science in the history of human knowledge[22]. According to Jujun S. Suriasumantri, the philosophy of science is a branch of epistemology (the philosophy of knowledge) that specifically examines the essence of scientific knowledge. In this regard, the philosophy of science focuses on the analysis of scientific knowledge at the core of its study. First, the philosophy of science is the formulation of a consistent worldview, constructed based on important scientific theories[23]. Second, the philosophy of science serves as exposition, presupposition, and predisposition held by scientists. Third, the philosophy of science is a discipline that organizes the concepts of scientific theories, which are then analysed and classified. Fourth, the philosophy of science is a second-order criteriology aimed at answering fundamental questions.

The correlation between philosophy and the philosophy of science and the philosophy of science can illustrate a close relationship with the philosophy of law[24]. Simply put, the philosophy of law can be defined as a branch of philosophy that regulates

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[20] Peter Mahmud Marzuki, *Penelitian Hukum*. (Jakarta: Kencana, 2015), 112-115

[21] Achmad Charris Zubair, *Etika dan Asketika Ilmu: Kajian Filsafat Ilmu* (Bandung: Penerbit Nuansa Cendekia, 2015) 17

[22] Junihot M. Simanjuntak, *Filsafat Ilmu dan Penalaran Teologis* (Yogyakarta: PBMR ANDI, 2021), 53-54

[23] Made Subawa, Ni Putu Niti Suari Giri, dan Bagus Hernanto, *Kapita Selekta dan Filsafat Ilmu Hukum Kenotariatan Kontemporer Indonesia* (Surabaya: Uwais Inspirasi Indonesia, 2024). 3-4

[24] Lona Puspita, "Kedudukan Filsafat Hukum dalam Sudut Pandang Ilmu Hukum," *Judakum (Jurnal Dedikasi Hukum)* 3, no. 2 (Agustus 2024).

and studies human behaviour or ethics related to law. The philosophy of law studies the essence of law philosophically, which means delving into the concept of law to its core or foundation. Thus, the main object of the philosophy of law is law itself, which is then analysed in depth to uncover its essence.

The development of legal science often involves humanistic aspects, making it important to link divine values with the recognition of human dignity. The humanist view of law is often inspired by religious teachings that emphasise values of togetherness and concern for others.[25]

Divine law is a legal paradigm that integrates divine values as moral and spiritual bases in the formation of law. This concept differs from the positivist approach, which emphasises only the formal legal aspects without considering transcendental values. In divine legal science, law is not only viewed as a tool for social regulation but also as a means to achieve true justice, rooted in moral and religious principles.[26] This means that truth in divine legal science is rooted in divine truth as expressed in God's word and reflected in the culture and values of Pancasila.

Pancasila, particularly the first principle, serves as the epistemological framework for divine legal science.[27] As the foundation of the Indonesian state, Pancasila ensures that law reflects not only formal rules but also ethical and moral values originating from the Almighty God.[28] Thus, the law in Indonesia has a unique character by integrating universal principles with local wisdom. For instance, values such as love, justice, and honesty, which are central to religious teachings, become important elements in the formation of law.

The ontology of divine legal science is based on the view that law is a manifestation of universal divine values. From this perspective, law is not only seen as rules that regulate human behavior but also as an expression of justice and truth sourced from God.[29] This differs from Western legal philosophy, which tends to emphasize only the formal and rational aspects of law. The ontology of divine legal science places justice as the ultimate goal of law. In this context, justice is not only understood formally but also morally and spiritually. For example, law enforcement based on divine values encourages law enforcers to act with integrity and a high sense of responsibility.

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[25] Joko Susilo, *Humanisme dalam Konsepsi Hukum,* (Jakarta: Bhuana Ilmu Populer, 2019), 67-75.

[26] Herowati Poesoko, *Ilmu Hukum dalam Perspektif Filsafat Ilmu* (Yogyakarta: LaksBang PRESSindo, 2018). 29

[27] Surono dan Huda, Miftakhul. *Prosiding Sarasehan Nasional 2011 tentang Implementasi Nilai-nilai Pancasila dalam Menegakkan Konstitusionalitas Indonesia*. (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2011). 44

[28] Bernard L. Tanya, Theodorus Yosep Parera, dan Samuel F. Lena. *Pancasila Bingkai Hukum Indonesia*. (Yogyakarta: Genta Press, 2015). 46

[29] Gialdah Tapiansari Batubara dan Barda Nawawi Arief, "Peran Ilmu Ke-Tuhanan dalam Penegakan Hukum Pidana di Indonesia," https://media.neliti.com/media/publications/107665-ID-peran-ilmu-ke-tuhanan-dalam-penegakan-hu.pdf

The axiology of divine legal science focuses on the values that are the goals of law, namely justice, welfare, and social harmony[30]. In this paradigm, law is not only viewed as an instrument to regulate human behavior but also as a tool to realize divine values in social life. These values include honesty, justice, and compassion, which are at the core of every legal product and law enforcement process in Indonesia[31]. Furthermore, the axiology of divine legal science also emphasizes the importance of transparency and accountability in the law enforcement process. In this paradigm, law enforcers are expected to act with high integrity and uphold the principle of divine justice.

Modern legal philosophy is greatly influenced by ethical considerations underlying legal decision-making, including divine values. In this context, many legal philosophers believe that law cannot be separated from the moral and ethical substance that is universal. Fatih Ramdhan in "Critical Legal Philosophy: Challenges and Opportunities" explains that contemporary legal philosophy often invites legal practitioners to consider moral aspects in law enforcement. He argues that in this modern era, the challenge for legislators and law enforcers is to create laws that not only function to regulate but also reflect divine values that uphold justice and morality. Therefore, in every legislative process, the integration of ethical and divine values becomes extremely important[32].

The Integration of Divine Values Can Create a Balance Between Legal Certainty, Utility, and Justice in the Application of Legal Science

The integration of divine values can create harmony between legal certainty, utility, and justice as the three main pillars in the application of legal science. Divine values guide the legal system to focus not only on formal aspects or pragmatic goals but also on the integrity of moral values that serve as the foundation of societal life[33]. In practice, laws based on divine values strive to eliminate the gap between legal certainty, which can sometimes be rigid, utility, which is pragmatic, and justice, which is often difficult to achieve perfectly.

    a. Legal Certainty from the Perspective of Divine Values

       Legal certainty is a fundamental element in the application of legal science that guarantees clarity and consistency of legal rules so that they can be understood and adhered to by society. The integration of divine values in creating legal certainty plays a crucial role in ensuring that the law is not merely normative but also reflects

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[30] Jawahir Thontowi, "Pengembangan Ilmu Hukum Berbasis Religious Science: Dekonstruksi Filsosofis Pemikiran Hukum Positivistik." *Pandecta: Research Law Journal* 6, no. 2 Juli (2011).

[31] Arief Sidharta, Bernard. *Ilmu Hukum Indonesia: Upaya Pengembangan Ilmu Hukum Sistematik yang Responsif terhadap Perubahan Masyarakat*. Cetakan Pertama. Yogyakarta: Genta Publishing, 2013.

[32] F Ramdan, *Filsafat Hukum Kritis: Tantangan dan Peluang*. (Jakarta: Lembaga Penelitian dan Pengembangan *Hukum* Indonesia, 2021) 34-50

[33] Miska Muhammad Amin, *Epistemologi Islam: Pengantar Pengetahuan Islam* (Jakarta: Universitas Indonesia, 2006). 60

moral principles derived from religious teachings[34]. Laws that refer to divine values aim to uphold universal truths that are not limited by the interests of particular individuals or groups. For example, in Islamic legal tradition, the principle of *maqāṣid al-sharīʿah* emphasises that every rule must be based on the protection of fundamental values such as religion, life, intellect, lineage, and property.

b. The Utility of Law within the Framework of Divine Values

The utility of law focuses on the extent to which the application of law provides concrete benefits for the wider community. From the perspective of divine values, the utility of law is not only measured by its practical impact but also by how far the law can realize well-being in accordance with moral and ethical principles[35]. Divine values encourage legal decision-making that considers humanitarian aspects, social justice, and the sustainability of life. For instance, laws based on divine teachings prioritise values of compassion, honesty, and collective responsibility in resolving conflicts.

c. Justice in Law Based on Divine Values

Justice is the main objective of the application of legal science, which seeks to provide rights to every individual proportionally in accordance with the principle of equality. The integration of divine values in legal justice emphasises the importance of moral and spiritual dimensions in assessing every legal action[36]. Divine values encourage law enforcement that is non-discriminatory, impartial, and based on respect for human dignity as creations of God. Legal justice not only pursues the fulfillment of formal rules but also considers substantive justice that encompasses societal feelings of fairness. For instance, the principle of *amar ma'ruf nahi munkar* in Islamic teachings teaches that law should support goodness and prevent wrongdoing, thus achieving justice that reflects the social harmony desired by God.

The development of modern legal science also encourages discussions about humanism that often align with divine values. From this perspective, law is not only understood as an instrument for regulating social interactions but also as an effort to humanize humans, respecting their dignity and rights. Joko Susilo in his book "Humanism in the Conception of Law" emphasizes that a humanistic understanding of law reflects divine values that transform law into a tool for empowerment for individuals, not merely a tool for social

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[34] Mahrus Ali, "Fondasi Ilmu Hukum Berketuhanan: Analisis Filosofis terhadap Ontologi, Epistemologi, dan Aksiologi," *Pandecta: Research Law Journal* 11, no 2 (Desember 2016), http://journal.unnes.ac.id/nju/index.php/pandecta.

[35] Anang Dony Irawan dan Banu Prasetyo, "Pancasila sebagai Landasan Politik Hukum Kebangsaan," *Jurnal Pendidikan Sosial Keberagaman* 9, no. 1 (Juni 2022) 1–7. https://juridiksiam.unram.ac.id/index.php/juridiksiam.

[36] Salim HS., *Perkembangan Teori dalam Ilmu Hukum* (Jakarta: Rajawali Pers, 2012) 14

control. In this context, laws based on divine values will create a system that is fairer and in favour of human interests as a whole, resulting in a more harmonious and just society[37].

CONCLUSION

Based on the discussion of this study, it can be concluded that: First, divine values in legal science create harmony between legal certainty, utility, and justice by emphasizing the importance of moral and spiritual dimensions. Divine values ensure that law is not only normative but also based on principles of universal truth, common welfare, and respect for human dignity. Thus, the application of law oriented towards divine values can present a legal system that is just, beneficial, and moral for society. Second, the philosophy of science plays an important role in underpinning the development of knowledge, including the philosophy of law and divine legal science. Divine legal science integrates moral and spiritual values from the Almighty God as the legal foundation, which is reflected in Pancasila. With an ontology that emphasizes divine justice, an epistemology that combines local traditions and universal values, and an axiology oriented towards welfare and social harmony, this paradigm presents a legal approach that is not only normative but also transcendental and humanistic.

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