

THE EXISTENCE OF LEGAL PHILOSOPHY IN THE TRANSFORMATION OF THE INDONESIAN LEGAL SYSTEM IN THE ERA OF DIGITALIZATION

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Abstract

The digitalization era has significantly transformed various aspects of life, including the legal system. This transformation demands not only technological adaptation but also philosophical reflection to ensure justice, human rights, and social welfare are upheld. This study aims to examine the role of legal philosophy in the transformation of Indonesia's legal system in the digital era and to analyze how philosophical foundations influence the realization of legal ideals, particularly the principle of expediency. The research employs a qualitative method with a normative juridical approach, utilizing literature review as the main source of legal analysis. The findings reveal that legal philosophy plays a vital role in guiding the development of a responsive, ethical, and humanistic legal framework amid rapid technological changes. Philosophical principles such as justice, legal certainty, mutual benefit, and human rights serve as the foundation in formulating legal policies in the digital context. The study concludes that integrating legal philosophy into digital-era lawmaking is essential to ensure that technological progress aligns with fundamental legal values and societal benefit.

Keywords: Legal Philosophy, Transformation, Legal System

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1. Introduction

Humans now live in a modern civilization that demands everything to be fast, effective and efficient. The term modern seems to be an identity that must be attached to all devices of human life today. Other than the term modern, it is considered old-fashioned, traditional and outdated. The impact of rapid changes in the times along with the development of science and technology has brought us into the digital era with all its sophisticated knick-knacks, including the loss of time and space barriers between countries (Utomo, 2017). The era of digitalization has brought significant changes in almost all aspects of human life, including in the legal system. This transformation process covers a wide range of matters, from the use of information technology in the administration of justice to the emergence of new challenges related to the protection of personal data, digital transactions and algorithmic justice. Along with the rapid development of technology, the Indonesian legal system is also faced with various issues that require adjustments and integration of technology in the implementation of a more modern and efficient law.

Philosophy studies certain problems in a certain way. These problems include the deepest and most important issues that philosophers have discovered. They include the true nature of human beings, the way we think, the nature of reality and our ability to know reality, and a whole host of other related issues (Gibson, 2020). The science and technology that is increasingly developed by humans, many problems have been able to be solved, for example, many problems in the universe have been solved through the advancement of science which ultimately resulted in a series of fantastic technologies. However, sometimes there are many questions that cannot be answered by human knowledge. That's why philosophy is here to answer them (Prasetyo & Barakatullah, 2017).

Philosophy of law is a branch of philosophy with a systematic and radical method related to the nature and fundamental and marginal aspects of law in all its aspects, whose review centers on the core problems of law. We can understand that legal philosophy is a science



that examines law in philosophical terms. Law as an object of legal philosophy will be studied more deeply to the core of the root of the problem (Prasetyo & Barakatullah, 2017). Including the formation of law in Indonesia will also be studied by legal philosophy. Laws are made by considering legal certainty, justice, and expediency. It is so important that before forming or building a law that will be fair to regulate society, the philosophy of law must be deeper into it to be able to realize real justice for every group in Indonesia (Bakir, 2017).

Philosophy of law, as an in-depth study of the basis and principles of law, plays a very important role in understanding these dynamics. In the midst of increasingly sophisticated technological developments, the existence of Indonesian legal philosophy in the digitalization era is becoming increasingly relevant, especially in the context of how law can maintain the values of justice, human rights, and social order amid rapid social change. The transformation of the Indonesian legal system in this digital era demands a broader understanding of the role of technology in legal regulation, as well as how legal philosophy can provide direction and rationale for the development of legal policies that are fair and based on the principles of justice. The philosophy of law not only plays a role in analyzing applicable legal norms, but also provides insight into how the law should adapt to changing times without neglecting its main goal, namely the achievement of justice and public welfare.

The presence of modern law today is set against a backdrop of past history involving the reciprocal relationship between law and society and the development of the modern state. This modernity has the following characteristics (Rahardjo, 2014):

1. Has a written form;
2. The law applies to the entire territory of the country;
3. The law is an instrument that is used consciously to realize the political decisions of its society.

The science and technology that humans have developed over time have solved many problems, for example, many problems in the universe have been solved through the advancement of science, which in turn has resulted in a series of fantastic technologies. However, sometimes there are many questions that cannot be answered by human knowledge. So that's why philosophy is here to be able to answer that (Prasetyo & Barakatullah, 2017).

The philosophy of law asks questions about the nature of law. Questions about the "nature of law", about the bases for the binding force of law are examples of such fundamental questions (Rahardjo, 2014). Questions like this cannot be answered by referring only to written regulations or rules, but require deeper philosophical analysis. Philosophy of Law does not aim to describe, interpret, or explain positive law, but to understand and explore law with its general properties. Thus, all legal problems that require solutions can basically be the object of legal philosophy (Mertokusumo, 2014).

Legal philosophy is born out of everyday life. Even so, people do not absolutely accept the various perspectives of the philosophy of law. Many factors and aspects affect the condition of people's understanding of the existence of law in life. Especially in today's modern digital era, the understanding of law is diminishing in society because they think that every human being today has their own freedom (Christiani, 2020).

In this context, this research is based on the desire to examine the existence of legal philosophy in facing the transformation of the Indonesian legal system in the era of digitalization. It is important to dig deeper into how legal philosophy can guide the practice of Indonesian law so that it remains relevant and responsive to the challenges that arise due to the rapid development of information technology. Thus, the philosophy of law is expected not only as a theoretical study, but also as a basis for making legal decisions that touch the needs of today's digital society. The purpose of this research is to analyze the role of legal philosophy in transforming the legal system in Indonesia in the era of digitalization, and to examine the extent to which the philosophical foundation is influential in realizing legal ideals in the form of benefits in the context of digital technology development.

2. Method

This study employs a qualitative research method with a normative juridical approach, which emphasizes the analysis of legal norms, principles, and doctrines derived from legal literature and statutory regulations (Soekanto & Mamudji, 2007). The research relies primarily on secondary legal materials, including textbooks on legal philosophy and legal theory, academic journal articles both national and international relevant laws and regulations such as Law Number 11 of 2008 on Electronic Information and Transactions (including its amendments), and Law Number 27 of 2022 on Personal Data Protection, as well as court decisions and public legal policies related to digital transformation.

Data were collected through document study and literature review. The data analysis was conducted using a descriptive-qualitative and interpretative approach, aiming to explore the meaning of legal principles and interpret the relationship between philosophical legal concepts and regulatory developments in the digital age. This method allows the researcher to examine the dynamic interplay between legal theory, philosophical foundations, and current technological challenges, thereby deepening the understanding of the role of legal philosophy in shaping responsive and humanistic legal systems (Soekanto, 2010).

3. Results and Discussion

The Role of Legal Philosophy to Transform the Legal System in Indonesia in the Era of Digitalization

Legal philosophy plays a critical role in guiding the transformation of Indonesia's legal system, especially in responding to digital-era challenges. This role extends beyond theory to the formulation of legal norms and policies that align with evolving technologies while preserving fundamental legal values such as justice, legal certainty, and human dignity.

1. Developing Legal Principles Appropriate to the Digital Context

In the digital era, philosophical legal principles must adapt to challenges such as data ownership, privacy, and algorithmic decision-making. The principle of justice, for instance, must accommodate questions like: Who owns the data? and How should fairness be preserved when algorithms influence legal outcomes? This requires integrating classical concepts of distributive justice (e.g., Rawls) into data governance models. A relevant case is the BPJS Kesehatan data breach in 2021, which exposed millions of Indonesian citizens' private information, revealing the urgent need for a philosophically grounded data protection framework.

2. Ensuring Social Justice in the Use of Technology

Digitalization often widens inequality in access to technology. Legal philosophy provides the foundation to ensure equitable distribution of digital infrastructure. Drawing from Radbruch's three values (justice, certainty, and utility), law must respond to marginalized communities who are digitally excluded. Policies such as universal internet access, digital literacy for remote areas, and inclusive platform governance are practical implications of this philosophical mandate.

3. Managing Liability in a Digital World

Determining liability for digital harms such as fake news or data misuse requires reevaluating classical notions of accountability. Should platforms be held strictly liable, or should there be a "reasonable foreseeability" standard? Legal philosophy helps assess not just who is legally liable, but who is morally accountable which is increasingly relevant in AI-driven contexts.

4. Developing Legal Ethics in the Use of Technology

The rise of AI and automation in legal processes necessitates a rethinking of ethics. For example, should AI-generated judicial decisions be considered legitimate without human oversight? Drawing from Kantian ethics, technology should not treat individuals merely as means to an end. Hence, legal reforms must mandate transparency, explainability, and moral safeguards in digital applications, particularly those affecting rights and justice outcomes.

5. Lawmaking that is Responsive to Technological Change

Legal philosophy offers the flexibility to evaluate whether existing laws are proactively adaptive or merely reactive. An example is the lack of clear regulation on cryptocurrency and blockchain technologies in Indonesia. Legal reform should be grounded in philosophical foresight, ensuring not only functional adequacy but also ethical compatibility with social values.

6. Human Rights Protection in the Digital World

One of the major challenges in the digital age is how to protect human rights in cyberspace, such as the right to privacy, freedom of expression, and the right to information. Legal philosophy plays a vital role in bridging universal moral values and positive law. Drawing on Ronald Dworkin's view that rights must be interpreted as principles rather than rules, the right to privacy must not be treated merely as a compliance item, but as an inherent value requiring active state protection. A concrete case that illustrates this is the 2021 BPJS data breach in Indonesia, which exposed the vulnerability of millions of citizens' personal information. Despite the existence of statutory regulation, the absence of a philosophically grounded digital rights framework hindered effective enforcement. This shows the gap between legal norms and moral justification in data governance.

7. Community Education and Empowerment on Digital Law

In the digital era, public understanding of technology-related laws is essential to create awareness and compliance with existing rules. Legal philosophy can contribute to building a broader, inclusive, and accessible understanding of the law for all levels of society, so that people can become active subjects in legal transformation in this digital era. Develop a curriculum or training program on digital rights and legal obligations that must be obeyed by people in cyberspace.

8. Fair and Transparent Law Enforcement

Law enforcement in the digital age requires mechanisms that are not only fair, but also transparent. Technology can be used to increase transparency in judicial and government processes, and ensure that legal proceedings are conducted in an efficient and accountable manner. Legal philosophy has a role to play in pushing towards a legal system that is not only fair, but also gives people greater access to justice. The use of information technology to open up access to the judicial process, such as e-courts, as well as reporting systems that allow the public to monitor the progress of legal cases.

9. Strengthening the Concept of Law Oriented to Shared Prosperity

A legal philosophy that focuses on the well-being of society can help formulate regulations that not only protect individuals, but also take into account the interests of society as a whole. In the era of digitalization, the common good includes providing fair access to technology as well as protection against the negative impacts of technology, such as digital addiction or dependence on unfair online platforms. Design public policies that encourage the development of digital technologies that are inclusive and beneficial to all levels of society, including digital education for children and the general public.

The role of legal philosophy in the transformation of the Indonesian legal system in the era of digitalization is enormous. It provides a deep foundation of thought to create a legal system that is not only adaptive to technological developments, but can also accommodate basic values such as justice, human rights, and social welfare. By strengthening this aspect of legal philosophy, Indonesia can develop a legal system that is more responsive, fair and sustainability-oriented in the digital era.

The Influence of Philosophical Foundations in Realizing the Legal Idea of Benefit in the Era of Digitalization

The influence of philosophical foundations in realizing the legal ideals of expediency in the digitalization era has a very important role, because legal philosophy not only provides a value basis for legal formation, but also provides direction for how law can develop in accordance with social, technological and economic changes. In the era of digitalization, where technology is developing rapidly and has a significant impact on various aspects of life, a philosophical foundation in law will ensure that the law remains relevant, fair and beneficial to society. The influence of the philosophical foundation in realizing the legal ideals of expediency in the digitalization era is:

1. Philosophical Foundation of Benefit Law

Beneficence in the context of law refers to the principle that law should provide benefits to society in general. This includes two main aspects:

- a. Individual Benefit: How the law protects the rights of individuals and ensures the protection of the freedoms and fundamental rights of citizens.
- b. Social Benefit: The law must ensure the creation of social justice and welfare for the entire community, creating a balance between individual interests and common interests.

A strong philosophical foundation is needed to ensure that laws applied in the digital era not only regulate, but also provide maximum benefits to society.

2. Application of the Principle of Justice in the Digital Age

One of the fundamental philosophical foundations in realizing legal expediency is the principle of justice. In the digitalization era, justice is not only seen from the formal legal side, but also from how technology can be accessed and utilized fairly by all levels of society. The effects are:

- a. The law must be able to address inequality in access to technology between urban and rural areas, or between rich and poor groups, to ensure that digital technology does not exacerbate social inequality.
- b. Guarantee the right of access to information and protection of personal data for all citizens, regardless of their social or economic status. Equitable internet access rights arrangements to ensure all levels of society can utilize technology without discrimination.

3. The Principle of Legal Certainty in Digitalization

In the context of digital law, legal certainty is one of the most important legal ideals. Laws that provide certainty can create a sense of security for individuals and communities in transacting in cyberspace, innovating with new technologies, and using digital platforms without fear of abuse. The effects are:

- a. Establish clear regulations on copyright, personal data protection, and consumer rights in the digital world.
- b. Ensure that digital transactions and e-commerce are carried out with transparency and can be legally accounted for. Clear regulations regarding consumer protection in online transactions and the rights that must be fulfilled by digital platform providers.

4. The Principle of Mutual Benefit in the Digital Age

The principle of mutual benefit in legal philosophy emphasizes how the law not only provides benefits for individuals, but also for society as a whole. In the era of digitalization, this means that the law must be able to ensure that technology is used for purposes that benefit all parties, without harming or oppressing certain groups. The effects are:

- a. Regulate the use of technology so that it does not only benefit large companies or developed countries, but also provides benefits to the wider community, including vulnerable groups such as the poor, disabled, or remote areas.
- b. Ensure that the use of technology does not damage the existing social and cultural order, and does not violate human rights, for example in terms of mass surveillance

or misuse of personal data. Providing access to digital education for all levels of society to reduce the gap in access to information and technology.

5. Alignment Between Law and Technology

In the digital age, technology moves very fast, often faster than the law's ability to adapt. The philosophical foundation of law that prioritizes the balance between technological development and legal regulation is key to creating sustainable benefits. Law must be able to maintain a balance between supporting technological innovation and avoiding its negative impacts. The effects are:

- a. Formulate flexible regulations, so as to accommodate rapid technological changes without sacrificing basic values such as the right to privacy, freedom of expression, and social justice.
- b. Ensure that any technological innovation, such as artificial intelligence (AI), blockchain, or cryptocurrency, does not cause harm or injustice to society. Create regulations governing the use of AI and blockchain technology in the financial sector to prevent misuse and ensure compliance with ethical and legal standards.

6. Human Rights Protection in the Digital World

As part of the legal ideal of expediency, the protection of human rights must remain a priority, even in the digital era that is full of new challenges. Legal philosophy emphasizes the importance of protecting individual rights, especially in relation to the right to privacy and freedom of expression in cyberspace. The influences are:

- a. Ensure that personal rights, such as the right to privacy and freedom of speech, remain protected despite technological advances that enable mass surveillance and the widespread collection of personal data.
- b. Creating a transparent legal system to monitor and control the use of personal data by digital platforms and technology applications. Regulations for the protection of personal data in digital transactions or the protection of freedom of expression on social media.

7. Community Empowerment Through Digital Legal Education

To realize the legal ideal of expediency in the digital era, digital legal education plays an important role. Through education, people will better understand their rights in the digital context, as well as how to utilize technology in a correct and safe manner. The effects are:

- a. Providing people with knowledge of their legal rights in the digital world, including the right to information, the right to be protected from online fraud, and the right to access technology fairly.
- b. Educate the public on the importance of digital ethics and how to avoid misuse of technology. Digital literacy programs that teach people about the importance of personal data protection and how to protect themselves from cybercrime.

8. Adaptive Law Reform

The philosophical foundation of law that emphasizes adaptability is very important in the digital era. Law must be able to change and develop along with technological changes. Therefore, legal updates and reforms are urgently needed to create a legal system that is not only responsive to the needs of the times, but also able to provide optimal benefits to society. The effects are:

- a. Adaptive laws will be faster in responding to new problems that arise in the digital world, such as cybercrime, data misuse, and the spread of false information.
- b. Develop laws that provide room for innovation, while still protecting basic individual rights and social interests. Update laws on digital transactions, personal data protection, and the use of artificial intelligence.

Philosophical foundations are very influential in realizing the legal ideals of expediency in the digitalization era. Principles such as justice, legal certainty, mutual benefit, and protection of human rights must be the main foundation in formulating legal regulations and policies in the digital era. With the application of these principles, the law will not only regulate, but also provide maximum benefits to society, creating a balance between technology and important social values.

4. Conclusions

The findings of this study affirm that legal philosophy plays a pivotal role in shaping the transformation of Indonesia's legal system in the digital era. Rather than being a mere theoretical framework, legal philosophy provides the normative and moral foundation to guide how law should respond to technological advancements without losing its core values. Through philosophical reasoning, principles such as justice, legal certainty, mutual benefit, and human rights can be meaningfully interpreted and adapted to digital challenges such as data protection, algorithmic governance, and equitable access to technology. This study highlights that lawmaking in the digital era must go beyond regulatory formality—it must be underpinned by ethical considerations and oriented toward collective welfare. Moreover, philosophical analysis reveals the limitations of current reactive legal approaches and calls for a more anticipatory, inclusive, and value-driven legislative strategy. Going forward, the integration of legal philosophy into digital policymaking is essential to ensure that innovation aligns with justice and societal benefit. Policymakers, scholars, and legal practitioners must work together to embed these philosophical principles into practical regulatory frameworks, ensuring that the legal system remains not only responsive but also humane and morally grounded in the face of rapid digital transformation.

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