

## Original Article

# Functional Erosion of Law and the Genesis of Moral Vacuum: An Analysis of Causality in Aquinas' Lex Naturalis Perspective on Threats to Civilization

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## Abstract

*This article discusses the functional erosion of law, which has shifted from being a protector of justice (regula iuris) to an instrument of power (instrumentum regni) through rigid formalism. This dysfunction erodes substantive justice, creates a moral vacuum in society, and results in ethical degradation, weakened communal responsibility, and a loss of public trust. This article uses normative legal research, specifically tracing the direct causal relationship between the weakening of legal effectiveness and public moral decay, a correlation that is rarely discussed comprehensively in the literature. Through a deconstruction of the crisis of legal legitimacy within the framework of Thomas Aquinas, this article identifies that contemporary legal problems stem from the disconnection of lex humana (positive law) from lex naturalis (natural law) and lex aeterna (eternal law). Law that ignores Aquinas' morality is degraded into lex iniusta (unjust law), losing its validity and moral binding force. The novelty of this article lies in its systematic emphasis on the causal mechanism between the loss of the instrumental power of law and the moral collapse of society. As a solution, this article emphasizes the urgency of restoring the teleological function of law as a guardian of morality and a pillar of civilization. This requires the re-integration of the principle of lex naturalis into the substance and implementation of positive law, making law a moral orthodoxy based on substantive justice and bonum commune. Implementation strategies include the internalization of morality in legislation, the strengthening of legal ethics education, the reconstitution of the legitimacy of legal institutions through accountability and transparency, and the stimulation of morality-based public participation. The revitalization of lex humana as a guardian of morality is a philosophical and practical imperative, requiring collective synergy to revive the moral consciousness of society so that the law authentically reflects universal justice*

**Keywords:** Aquinas; Civilization; Ethics; Moral

## Introduction

The relationship between law and morality is intrinsic and mutually reinforcing. Law without morality loses its substantial meaning, reducing it to a mere set of formalistic rules. Conversely, morality without a legal framework tends to lose its strength and power to maintain its existence in the social order.<sup>1</sup> This situation becomes very dangerous if morality in the formation of law is only used as rhetorical camouflage or merely a false narrative that lulls legal idealism, without deep moral meaning and implementation in the legal rules themselves.<sup>2</sup>

The presence of law is essentially a vital foundation for the continuity of human civilization, like the heart that pumps life into an organism. Law is a fundamental reflection of the values embraced and believed in by a society. However, today, we are witnessing a worrying phenomenon, namely a

<sup>1</sup> Sausan Jilan and others, 'Prinsip Otonomi Moral Dalam Filsafat Hukum Immanuel Kant: Analisis Terhadap Konsep Kebebasan Dan Kewajiban', *Praxis: Jurnal Filsafat Terapan*, 2.01 (2024) <<https://doi.org/10.11111/praxis.xxxxxxx>>.

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significant decline in the power of law to uphold these fundamental values, both in terms of substance, application, and enforcement. This phenomenon not only leads to an increase in violations, but also directly erodes moral and ethical values in society, as evidenced by the weakening of standards of “right” and “wrong,” a decline in a sense of shared responsibility, and a decrease in trust in institutions and fellow citizens.

The loss of the effective power of law creates a moral vacuum. In this context, the function of law is often reduced from protecting justice to merely an instrument of revenge, or even an instrument of manipulation for the fulfillment of the ego and power of a handful of parties. When justice can be bought, and violations of the law do not receive proportionate consequences, the law will only be enjoyed by those who have power, rather than being a protector for all of humanity towards a better life.<sup>3</sup>

Since classical times, philosophers such as Plato[8] and Aristotle have emphasized the importance of law as an instrument for maintaining moral order in society. Similarly, in the tradition of natural law, thinkers such as Thomas Aquinas explicitly linked the validity of law to universal moral principles, asserting that an unjust law is not a true law (*lex injusta non est lex*). This view underscores that laws must not only exist, but also be just and moral in order to gain legitimacy.<sup>4</sup> Contemporary research has also examined various aspects related to the loss of legal power. Studies in the field of criminology often highlight the impact of weak or inconsistent law enforcement on crime rates and social compliance, for example, Wilson and Kelling's broken windows theory, which shows that small signs of disorder can trigger greater crime. In the field of legal sociology, much literature discusses the crisis of legitimacy of legal institutions (including courts, police, and prosecutors) due to corruption, politicization, or inability to respond to community needs. For example, research on “public trust in institutions” often shows an inverse correlation between levels of corruption and public trust in the judicial system.<sup>5</sup>

Although there is a wealth of literature that discusses legal dysfunction or moral decline in society separately, or views them as generally interrelated phenomena, research that explicitly and systematically examines the direct causal relationship between the loss of legal power and the first step in moral decay is still limited and fragmented. Most studies tend to view this phenomenon partially, with some focusing on the impact of corruption on the economy, others highlighting shifts in moral values without directly linking them to the effectiveness of the law, or discussing the rule of law from a governance perspective without exploring its moral impact in depth.<sup>6</sup>

Thus, this article attempts to fill this research gap by offering an analytical framework that specifically explores how the degradation of authority and legal efficacy progressively erodes the moral foundations of society. We will not only identify the symptoms of the loss of legal power, but also analyze the psychological and sociological mechanisms through which this process changes individual and collective perceptions of truth, justice, and integrity. The importance of this discussion lies in the urgency to thoroughly examine the loss of legal power as a major contributing factor in the moral decline of society. This study aims to identify the potential long-term implications of the adverse effects that will be caused to the sustainability of human life. Therefore, this article is expected to provide a critical view of the urgency of the existence of substantive law in order to maintain and strengthen moral foundations.

## Method

<sup>3</sup> Anton putra hergawan and others, ‘Lex Naturalis Dan Keadilan Universal : Analisis Konsep Hukum Alam Cicero Dalam Filsafat Hukum’, *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat*, 4.01 (2025) <<https://doi.org/10.11111/dassollen.xxxxxxx>>.

<sup>4</sup> Fokky Fuad, ‘Filsafat Hukum Pancasila: Antara Cita Ideal Hukum Dan Nilai Praksis’, *Jurnal Ilmiah Mimbar Demokrasi*, 13.1 (2013), 1–12 <<https://doi.org/10.21009/jimd.v13i1.9096>>.

<sup>5</sup> Kajian Filosofis Pencatatan Perkawinan Penghayat Kepercayaan Berdasarkan Nilai-Nilai Pancasila, Kajian Filosofis Pencatatan Perkawinan Penghayat, and Laksana Arum Nugraheni, ‘Kajian Filosofis Pencatatan Perkawinan Penghayat Kepercayaan Berdasarkan Nilai-Nilai Pancasila Dan Peraturan Perundang-Undangan Di Indonesia’, *Jurnal Paradigma Hukum Pembangunan*, 6.1 (2021), 33–58 <<https://doi.org/10.25170/paradigma.v6i1.2345>>.

<sup>6</sup> Ni Made and Trisna Dewi, ‘Reaktualisasi Nilai Pancasila Dalam Pembangunan Hukum Nasional Di Era Globalisasi’, *IJOLARES: Indonesian Journal of Law Research*, 3.1 (2025), 1–10 <<https://doi.org/10.60153/ijolares.v3i1.95>>.



This study will use a doctrinal legal research approach, focusing on conceptual and dogmatic analysis of the relationship between law and morality, as well as the implications of the degradation of legal power on public morality. This approach is relevant given the research objective, which seeks to fill a gap in the literature by specifically and systematically exploring the direct causal relationship between the 'loss of legal power' and the 'first step in undermining morality.'

## Results and Discussions

### *Civilization's Moral Crisis: The Impact of the Functional Erosion of Law*

In essence, the existence of law is to suppress the negative nature of humans so that what emerges is the good nature of human behavior in carrying out social life. The existence of law today is often too formalistic, even in the formation of laws, the purpose of the law is often ignored, which does not consider the social context, morals, and basic values of the nation. Some views seem to suggest that law and morality are two separate entities. However, in reality, law and morality are two inseparable and interrelated entities, with law being a formal and institutional manifestation of social morality in society.<sup>7</sup>

When law appears to be separated from morality, it will result in the loss of the power of law in terms of substance, application, and enforcement. This can create a crisis of philosophical legitimacy that threatens the moral foundations of civilization.<sup>8</sup> When the law fails to uphold justice and can be bought, it becomes dehumanized. From the perspective of critical legal philosophy, the law changes from a protector of justice to an instrument of manipulation for the fulfillment of the ego and power of a handful of parties. This is a shift from law as *regula iuris* (fair rules) to *instrumentum regni* (instruments of power).<sup>9</sup> This erosion of the instrumentality of law fundamentally erodes the intrinsic value of justice, which is the main moral pillar. This philosophically undermines the concept of the rule of law itself, turning it into rule by law without substantive justice.<sup>10</sup>

The loss of legal power effectively creates a "moral vacuum." In this situation, society sees that violations of the law do not receive appropriate consequences, which philosophically erodes the idea of retributive and distributive justice. This has an impact on the decline of standards of "right" and "wrong" when the law is no longer the guardian of morality, moral norms become relative and subjective, which in turn weakens individual and collective moral awareness. Individuals may feel unbound by moral obligations if there is no consistent law enforcement.<sup>11</sup>

The weakening of a sense of shared responsibility in an environment where the law is ineffective fosters selfish individualism and opportunism. The concepts of social solidarity and altruistic duty are eroded, replaced by apathy towards the suffering of others. Philosophically, this is a degradation from the communal good to self-interest, which threatens social cohesion and the foundations of civic ethics. Thus, based on a philosophical perspective, this degradation of the law is a "dangerous situation and the first step towards destroying public morals. This is not merely a sporadic decline in ethics, but a systemic erosion of fundamental values and social norms that have been built over centuries. The implications, such as the emergence of selfish individualism and the loss of sympathy, are direct

<sup>7</sup> Mario Fahmi Syahrial, Handaru Indrian, and Sasmito Adi, 'Dialektika Hukum Dan Moral Dalam Perspektif Sosiologis: Pengaruh Timbal Balik Dalam Pembentukan Dan Penegakan Hukum', *Maharsi: Jurnal Pendidikan Sejarah Dan Sosiologi*, 6.3 (2024), 1–8 <<https://doi.org/10.33503/maharsi.v6i3.68>>.

<sup>8</sup> Robert Kolb, 'The Relationship between International Humanitarian Law and Human Rights Law: A Brief History of the 1948 Universal Declaration of Human Rights and the 1949 Geneva Conventions', *Int'l Rev. Red Cross*, 324.324 (1998), 409 <<https://doi.org/10.1017/s002086040009121x>>.

<sup>9</sup> Hergawan and others.

<sup>10</sup> Raúl Emilio Vinuesa, 'Interface, Correspondence and Convergence of Human Rights and International Humanitarian Law', *Y. B. Int'l Human. L.*, 1 (1998), 69–70 <<https://doi.org/10.1017/S1389135900000064>>.

<sup>11</sup> Kajian Filosofis Pencatatan Perkawinan Penghayat Kepercayaan Berdasarkan Nilai-Nilai Pancasila, Kajian Filosofis Pencatatan Perkawinan Penghayat, and Laksana Arum Nugraheni, 'Peran Budaya Hukum Dalam Menghadapi Fenomena Korupsi Di Indonesia', *Locus Journal of Academic Literature Review*, 4.8 (2025), 625–38 <<https://doi.org/10.56128/LJOALR.V4I8.783>>.



consequences of the law no longer functioning as the guardian of public morality, threatening the existence of a moral civilization.<sup>12</sup>

Based on Thomas Aquinas' view, which provides a systematic framework of legal levels, namely *lex aeterna*, *lex naturalis*, and *lex humana*. *Lex Aeterna*, or what is referred to as eternal law, is the source of universal morality, which is said to be God's reason that governs all creation. Therefore, *Lex Aeterna* is the ultimate source of all morality and objective truth. Thus, in Aquinas' view, all valid laws must ultimately originate from and be in harmony with *lex aeterna*. This establishes that the foundation of a true civilization cannot be separated from a transcendent and universal moral order.<sup>13</sup>

*Lex naturalis*, or natural law, is a manifestation of moral rationality and represents the participation of human reason in *lex aeterna*, which is manifested in fundamental moral principles that can be accessed through reason. This includes basic human impulses toward goodness, truth, and justice. *Lex naturalis* is the essential bridge between divine law and man-made law, and is the basis of intrinsic morality that shapes the awareness of “right” and “wrong” in society. Man-made laws that ignore *lex naturalis* are morally flawed.<sup>14</sup>

*Lex humana*, or what can be referred to as Positive Human Law, is an elaboration of morality in a social context. *Lex humana* is a law created by humans to regulate social life. Therefore, according to Aquinas, *lex humana* will only be valid and morally binding if it originates from human reason and is consistent with (determinatio) *lex naturalis*. According to Aquinas, this is derivation, which is the process of drawing *lex humana* from *lex naturalis*. Based on this, the existence of positive law must aim at the common good (*bonum commune*) and reflect the principles of natural justice that originate from human reason.<sup>15</sup> This is where the mutually reinforcing relationship between law and morality finds its form, namely *lex humana*, which gives shape and enforcement to the principles of *lex naturalis*, while *lex naturalis* provides moral substance and legitimacy to *lex humana*.

The existence of legal dysfunction or weak legal power will lead to the degradation of *lex humana*, which has the potential to sever its connection with *lex naturalis*, thereby threatening the moral foundations of civilization. When *lex humana* is reduced to “merely a set of formalistic rules,” this philosophically means a severance from *lex naturalis*.<sup>16</sup> The law will gradually lose its meaning because it is no longer rooted in universal moral principles accessible to reason. Law that only emphasizes procedure without moral substance becomes *lex iniusta* (unjust law). According to Aquinas, this is not true law (*non est lex*) and does not bind the conscience. The phenomenon of “justice for sale” is a concrete example of *lex humana* losing its connection with the *lex naturalis* principle of distributive and commutative justice.<sup>17</sup>

The loss of legal power, both in substance, application, and enforcement, shows that *lex humana* has failed to fulfill its teleological purpose of achieving *bonum commune*. Corruption, politicization, and impunity are manifestations of *lex humana*'s deviation from *lex naturalis*. When the law no longer functions as a protector of justice and instead becomes an instrument of manipulation for the fulfillment of the ego and power of a handful of parties, it fundamentally undermines the basic principles of *lex naturalis*, such as justice, equality, and human dignity. This leads to a weakening of the standards of “right” and “wrong”—that is, when *lex humana* is no longer a reliable moral guide, society loses a clear guideline on what is objectively good and bad, reducing morality to mere relativism

<sup>12</sup> Seow Hon Tan, ‘Radbruch’s Formula Revisited: The *Lex Injusta Non Est Lex Maxim* in Constitutional Democracies’, *Canadian Journal of Law & Jurisprudence*, 34.2 (2021), 461–91 <<https://doi.org/10.1017/cjlj.2021.12>>.

<sup>13</sup> Ibnu Rahmat, ‘Integrasi Etika Moralitas Dalam Prinsip Keadilan Restoratif: Integrasi Etika Moralitas Dalam Prinsip Keadilan Restoratif’, *SUA JOURNAL OF LAW*, 2.2 (2024), 7–18 <<https://jurnal.uniki.ac.id/index.php/sjl/article/view/479>> [accessed 4 March 2026].

<sup>14</sup> Agusriansyah Ridwan and others, ‘Dehumanisasi Dan Krisis Kesadaran Hukum Di Era Industri Modern: Kajian Sosiologis Atas Hilangnya Moralitas Dalam Relasi Produksi’, *Law, Development and Justice Review*, 8.3 (2025), 294–310 <<https://doi.org/10.14710/ldjr.8.2025.294-310>>.

<sup>15</sup> Mansyur.

<sup>16</sup> Dietrich Schindler, ‘The International Committee of the Red Cross and Human Rights’, *Int’l Rev. Red Cross*, 208.208 (1979), 3 <<https://doi.org/10.1017/s0020860400066353>>.

<sup>17</sup> Muhammad Dewanto and Adi Saputra, ‘The Ethical Crisis in Law Enforcement Reflects the Failure of Modern Legal Philosophy to Balance Morality and Legality’, *Media Hukum Indonesia (MHI)*, 3.4 (2025), 656–72 <<https://doi.org/10.5281/zenodo.17698771>>.



or subjectivism. A decline in collective responsibility and the emergence of egoism occurs when the failure of *lex humana* to uphold justice and protect the *bonum commune* fosters selfish individualism and opportunism.<sup>18</sup> Society becomes apathetic towards the suffering of others because the legal structure no longer shows concern for the common good, which philosophically is a degradation of the ideal of virtuous citizens. This will lead to a loss of trust due to the growing crisis of legitimacy of legal institutions caused by a crisis of trust in *lex humana*. The solution to overcome the crisis of trust in *lex humana* is to establish a moral foundation by creating certainty in realizing justice and welfare as embodied in the law based on human reason, as well as a shared empirical commitment to protect basic human values and *bonum commune* that enable society to function properly.<sup>19</sup>

### ***Restoring Foundations: Returning Law to Its Teleological Function as the Guardian of Morality***

Restoring the true function of law as the guardian of morality<sup>[48]</sup> and pillar of civilization, the existence of the rule of law must be understood not only in formal-procedural terms, but also in moral-substantive terms. This means that every law that is enacted and enforced must explicitly aim at substantive justice and the common good, so that the function of law is not merely formal compliance. This is a philosophical call to restore *ius* (justice/rights) to *lex* (positive law), so that law becomes moral orthodoxy, in harmony with universal principles of truth. Therefore, there needs to be a re-internalization of morality in the substance of law, namely proposing an approach to ensure that morality is no longer merely rhetorical camouflage, but becomes a principle that is deeply internalized in the formation, interpretation, and application of every rule of law. This could include recommendations for legislative reform, strengthening legal ethics education, and building the capacity of law enforcement officials.<sup>20</sup>

Legal and ethical education as a pillar of recovery emphasizes the crucial role of legal education that not only teaches dogmatics, but also legal philosophy and ethics. This aims to develop legal practitioners who are not only technically competent, but also possess moral integrity and awareness of their ethical responsibilities as guardians of justice and morality. The curriculum should encourage critical reflection on how law interacts with contemporary moral dilemmas. Thus, rebuilding the legitimacy and trust of legal institutions: outlining strategies that focus on increasing the accountability, transparency, and responsiveness of legal institutions such as courts, police, prosecutors, and others. Essentially, this is to restore public trust and reaffirm the function of law as a protector of all humanity.

Rebuilding moral-based public participation means encouraging active community participation in the legal process, not only as objects of law but as moral subjects who have a voice in determining justice.<sup>21</sup> This can be done through mechanisms that allow public moral aspirations to be articulated and integrated into the formation and supervision of laws, so that the law truly reflects the values believed by the entire community. Legal democracy must be meaningful as a moral democracy, namely, democracy based on human reason that stems from human wisdom and aims to create a socially just *bonum commune*. Thus, a collaborative role in strengthening the moral-legal foundation is to identify how various actors, including academics, the government, civil society, and individuals, can play an active role in upholding moral principles through the legal framework. This includes

<sup>18</sup> Nurdinah Muhammad, 'Pergeseran Nilai-Nilai Religius: Tantangan Dan Harapan Dalam Perubahan Sosial', *Substantia: Jurnal Ilmu-Ilmu Ushuluddin*, 17.2 (2015), 191–202 <<https://doi.org/10.22373/SUBSTANTIA.V17I2.3991>>.

<sup>19</sup> Jenniefer Royhan, Saraya Gaisan, and Universitas Pasundan, 'Hukum Dan Moralitas: Dimensi Filosofis Dalam Penegakan Hukum', *Praxis: Jurnal Filsafat Terapan*, 2.01 (2024) <<https://doi.org/10.11111/praxis.xxxxxxx>>.

<sup>20</sup> Eko Nurmardiansyah, 'Eco-Philosophy Dan Implikasinya Dalam Politik Hukum Lingkungan Di Indonesia', *MELINTAS An International Journal of Philosophy and Religion (MIJPR)*, 30.1 (2014), 70–104 <<https://doi.org/10.26593/mel.v30i1.1283.70-104>>.

<sup>21</sup> Pertautan Keilmuan and others, 'Dinamika Sosio-Ekologi Pedesaan: Perspektif Dan Pertautan Keilmuan Ekologi Manusia, Sosiologi Lingkungan Dan Ekologi Politik', *Sodality*, 1.1 (2007), 181062 <<https://www.neliti.com/publications/181062/>> [accessed 4 March 2026].



empowering the community to participate in legal oversight and reform, as well as promoting a legal culture that values justice and integrity.<sup>22</sup>

If we look at it from the perspective of Aquinas' philosophy, *lex humana* should be restored to its function as the guardian of morality and pillar of civilization. Therefore, there needs to be a reintegration of the principles of *lex naturalis* in the formation and enforcement of law, namely the philosophical obligation to ensure that every *lex humana* that is created and applied explicitly and substantively reflects the principles of *lex naturalis*. This means rejecting “rhetorical camouflage” and ensuring that the purpose of law is justice based on morality. This implementation may involve reviewing the substance of the law, strengthening legal professional ethics, and education that emphasizes the moral dimension of law.<sup>23</sup>

Empirically, law enforcement as a manifestation of divine and natural justice means that law enforcement must be viewed as an effort to realize objective and universal justice rooted in *lex naturalis*.<sup>24</sup> This requires integrity, accountability, and independence of law enforcement officials so that they do not become *instrumentum regni*, but rather agents of justice. Thus, law enforcement officials must ensure that legal sanctions are carried out in accordance with the principles of retributive and rehabilitative justice that are moral. Strengthening public moral awareness as a guarantor of moral *lex humana*, namely by recognizing that the success of *lex humana* also depends on the moral awareness of society. Therefore, it is important to rekindle understanding and appreciation of *lex naturalis* among the public, so that there is a collective moral demand for fair laws. This can be achieved through ethics education, public dialogue, and the active role of the community in monitoring and demanding justice.<sup>25</sup>

## Conclusion

Contemporary legal dysfunction, manifested in rigid formalism and its transformation into *instrumentum regni*, critically erodes substantive justice and creates a moral vacuum in the social order. This phenomenon implies a degradation of normative ethical standards, an erosion of communal responsibility, and a destabilization of public trust in legal institutions, which cumulatively threaten the moral foundations of civilization. An analysis of the crisis of legal legitimacy through the philosophical framework of Thomas Aquinas identifies that this dysfunction stems from the disconnection of *lex humana* (positive law) from *lex naturalis* (natural law) and *lex aeterna* (eternal law). Law that ignores the dimension of morality, as articulated by Aquinas, is degraded into *lex iniusta*, losing its substantive validity and moral binding force. Its strategic implementation as a recommendation includes the internalization of morality within the legislative framework, the strengthening of legal ethics education, the reconstitution of the legitimacy of legal institutions through accountability and transparency, and the stimulation of morality-based public participation. Essentially, the revitalization of *lex humana* as the guardian of morality is a philosophical and practical imperative. The realization of this goal requires collective synergy from various stakeholders to revitalize public moral awareness, ensuring that the law authentically reflects universal values of justice for the sake of an ethical and just civilization.

<sup>22</sup> Pusat Publikasi and others, ‘Studi Komparatif Makna Kasb Dalam Quran Dan Hadits Perspektif Etos Kerja Max Weber’, *Multidisciplinary Journal of Contemporary Islamic Discourse*, 1.1 (2026), 13–20 <<https://doi.org/10.1016/mjcid.2026.01.012>>.

<sup>23</sup> Georgius Patrik Demu, Chandra Yusuf, and Frengki Hardian, ‘Perlindungan Hukum Bagi Masyarakat Atas Kekosongan Hukum Terhadap Aturan Hukum Werda Notaris Yang Tidak Melapor Dan Menyerahkan Protokol Notaris Kepada Notaris Penerima Protokol’, *Cakrawala Repositori IMWI*, 6.3 (2023), 435–55 <<https://doi.org/10.52851/cakrawala.v6i3.375>>.

<sup>24</sup> Gabriella Ivana and Andriyanto Adhi Nugroho, ‘Akibat Kekosongan Hukum Terhadap Non-Fungible Token Sebagai Pelanggaran Hak Kekayaan Intelektual’, *JURNAL USM LAW REVIEW*, 5.2 (2022), 708–21 <<https://doi.org/10.26623/julr.v5i2.5685>>.

<sup>25</sup> Nancie Prud’homme, ‘Lex Specialis: Oversimplifying A More Complex and Multifaceted Relationship?’, *Israel Law Review*, 40.2 (2007), 356–95 <<https://doi.org/10.1017/S0021223700013388>>.



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