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Memahami Tinjauan Epistemis Sifat Final dan Mengikat Putusan Mahkamah Konstitusi

Comprehending the Epistemic Examination of the Final and Binding Principles in Indonesia's Constitutional Court

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Abstract

This paper examines and critiques the dominant intercultural discourse of knowledge that humanity has developed, which is universally understandable and testable across diverse cultures and societies. It highlights that intersubjectivity is now a core feature of science. The validation of knowledge and the condemnation of inappropriate practices, particularly in legal contexts and constitutional adjudication, have become vital in contemporary society. The paper argues that constitutional decisions are not solely derived from legal provisions but are shaped by a process that seeks values tied to these sources, including the pursuit of truth. The analysis centers on theoretical entities that rely on an objective search for truth and reliable knowledge, free from external pressures or influences. A constitutional decision is considered valid if it originates from a lawful process that adheres to the prescribed legal procedures. The paper underscores that the objectivity of constitutional justice is reflected in the judge's ability to seek and discover truth and value without external interference. Furthermore, it discusses how legal knowledge, which deeply impacts human life, must follow established rules. Judges apply legal principles from law-books, and juries decide on facts without reasonable doubt. However, legal rules are subject to critique to ensure that the process of legal adjudication remains reasonable and just.

Keywords

Final and Binding, Constitiunal Court, Epistemic Examinantion

Abstrak

Tulisan ini mengkaji dan mengkritik wacana dominan pengetahuan antarbudaya yang telah dikembangkan oleh umat manusia, yang dapat dipahami dan diuji secara universal di berbagai budaya dan masyarakat. Tulisan ini menyoroti bahwa inter-subjektivitas kini menjadi fitur inti dari ilmu pengetahuan. Validasi pengetahuan dan pengutukan terhadap praktik yang tidak sesuai, terutama dalam konteks hukum dan pengadilan konstitusi, telah menjadi penting dalam masyarakat kontemporer. Tulisan ini berpendapat bahwa putusan konstitusi tidak semata-mata berasal dari ketentuan hukum, melainkan dibentuk oleh proses yang mencari nilai-nilai yang terkait dengan sumber-sumber tersebut, termasuk pencarian kebenaran. Analisis berfokus pada entitas teoretis yang bergantung pada pencarian kebenaran dan pengetahuan yang andal secara objektif, bebas dari tekanan atau pengaruh eksternal. Suatu putusan konstitusi dianggap sah jika berasal dari proses yang sah yang mengikuti prosedur hukum yang telah ditentukan. Tulisan ini menekankan bahwa objektivitas keadilan konstitusional tercermin dalam kemampuan hakim untuk mencari dan menemukan kebenaran serta nilai tanpa campur tangan eksternal. Selain itu, dibahas bagaimana pengetahuan hukum, yang sangat mempengaruhi kehidupan manusia, harus mengikuti aturan yang telah ditetapkan. Hakim menerapkan prinsip-prinsip hukum dari buku-buku hukum, dan juri memutuskan fakta tanpa keraguan yang masuk akal. Namun, aturan hukum harus dikritisi untuk memastikan bahwa proses pengadilan hukum tetap wajar dan adil.

Kata Kunci

Akhir dan Mengikat, Mahkamah Konstitusi, Tinjauan Epistemis

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Introduction

In examining the finality and binding nature of constitutional decisions, it is essential to understand their critical role in preserving the legal system's stability and coherence. Constitutional decisions, especially those made by supreme or constitutional courts, serve as the ultimate interpretation of the law, intended to provide a definitive resolution to legal issues. This finality is crucial in preventing endless litigation and ensuring that legal principles are consistently applied, fostering a predictable legal environment.

The binding nature of these decisions further solidifies their authority, requiring adherence from all branches of government and citizens. This binding force is what enables constitutional decisions to shape governance, societal norms, and individual rights effectively. The epistemic examination of these decisions involves analyzing the reasoning and knowledge processes that courts use to reach their conclusions, which is vital for assessing the legitimacy and soundness of these interpretations. By scrutinizing the epistemic foundations of constitutional decisions, scholars and practitioners can evaluate whether these rulings align with broader legal and moral principles. This analysis ensures that constitutional decisions are not only legally correct but also morally defensible, emphasizing the judiciary's role as a protector of constitutional integrity. The binding and final nature of these decisions is crucial for preserving the stability of the legal system and upholding the rule of law. The epistemic review of these decisions offers a vital framework for comprehending their legal and moral significance, ensuring that they fulfill their goal of advancing justice and maintaining order in society.

Scientists are frequently called upon to justify their decisions and provide the reasoning behind their conclusions. Science must articulate the judgments of values, which arise from reflective emotions, and convert them into knowledge.[1] Judgments can be classified as analytical, synthetic, a priori, or a posteriori[2], and these types of judgments are open to debate. Scientists who are unwilling to discuss their judgments cannot expect their work to be taken seriously. Scientific rigor must demonstrate its validity by proving the underlying rules.[3] Both analytical and synthetic judgments include subjective elements that challenge the concept of judgment. The examination of fundamental methodological issues in social sciences highlights the need to liberate previous writings from biased perspectives and the broader cultural, social, economic, and political influences.[4] This raises questions beyond the objective versus subjective distinction. Critics may arise through the theory of objectivity, specifically addressing how choices about objectivity relate to different aspects

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[1]Robert S. Hartman, *The Structure of Value: Foundations of Scientific Axiology*, Illinois: Southern Illinois University Press and Arcturus Books, 1967, hlm. 2.

[2]W.T. Jones, Hobbes to Hume: A History of Western Philosophy Second Edition. London, Sydney, Tokyo, and Toronto: Harcourt Brace Jovanovich, 1969, hlm.368.

[3]Alexander Rosenberg and Tom L. Beauchamp, Hume and the Problem of Causation, Oxford: Oxford University Press, 1981, hlm.435.

[4]Harold C. Bloom, "Objectivity in Social Research," *American Journal of Sociology* Vol.76 No.5 (March 1971): 936.

of subjectivity. Subjectivity is often associated with bias and personal preferences, which may overshadow factual analysis.[5]

To explore the implications of social research, both in terms of generating empirical data and the theoretical interpretations connected to it, social scientists must determine how social sciences uncover new knowledge and how that knowledge can challenge false beliefs.[6] Since social actors operate within specific contexts across time and space, there are usually social facts that are essential for understanding the significance of social research.[7] In this framework, philosophy is seen as the craft of creating, inventing, and constructing concepts, while being mindful of the relevant questions, timing, circumstances, settings, and unknown factors).[8] This article will examine theoretical entities, which depend on the truth of the theories they belong to, provided we already know how to establish that truth. Truth involves making accurate statements about the physical world, but it also raises questions about how statements regarding justice or injustice can be deemed true or false. The answer lies in independent epistemological arguments grounded in pragmatism.[9]

The pragmatist stance should be a humble one, acknowledging that while there is a correct answer to the question at hand, one may not necessarily possess it. A pragmatist may engage in inquiry with the goal of finding the truth and making rational judgments, but without assuming they already have the right answer.[10] The real must be understood by any individual in a suitable position to know it, but problems arise when attempting to separate knowledge from lived experience, as positivism extends to propositional knowledge as well.[11] The power approach in this article suggests that government actions can be categorized based on the types of acts performed, such as legislating, enforcing, and determining specific applications of law, which should be kept distinct.[12] For instance, the analysis will explore how constitutional questions often involve balancing competing values. While a court of justice may align with the values of others, it does so because its power is constrained, not because it accepts those values.[13]

Therefore, referring to the intrinsic object must be intersubjective.[14] This statement can be explored by asking some fundamental questions regarding the ongoing epistemological discussion and the obstacles to get the orientation for understanding the epistemology of law in social science. The review of how social science is perceived as a

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[5]Anthony Giddens, *The Constitution of Society*, Cambridge: Polity Press, 1984, hlm.334.

[6]Giddens, *The Constitution of Society*, hlm.335.

[7]Giddens, *The Constitution of Society*, hlm.335.

[8]Gilles Deleuze and Felix, *what is Philosophy?* New York: Columbia University Press, 1991, hlm.2.

[9]Cheryl Misak, *Truth, Politics, Morality: Pragmatism and Deliberation*, London and New York: Routledge Taylor and Francis Group, 2000, hlm.156.

[10]Misak, *Truth, Politics, Morality: Pragmatism and Deliberation*, hlm.156.

[11]Evandro Agazzi, *Scientific Objectivity and Its Context*, Mexico City: Springer International Publishing, 2014, hlm.65.

[12]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, ST.Paul Minn: West Publishing Co, 1989, hlm.186.

[13]George D.Braden, "The Search for Objectivity in Constitutional Law," The Yale Law Journal Vol.57 No.4 (February 1948): 594.

[14]Agazzi, *Scientific Objectivity and Its Context*, hlm.65.

science comes from the flexible realities as well as the hard rules of regularities and therefore the fact that their respective fields have different subject matter.[15] In specific circumstances, this does not imply that every aspect of reality is always within the cognitive reach of every possible individual. Instead, it means that when something real is presented to different individuals, it becomes accessible to their cognition.[16] Cognitive presence refers to a situation in which an individual has both the capability and the necessary conditions to know or understand a particular object.[17]

This paper addresses how truth in legal science, which deeply impacts human existence, must adhere to established rules. These rules guide matters such as judges applying laws regarding duties from legal texts and juries deciding questions of fact, often with the requirement of eliminating reasonable doubt.[18] The research also examines the validity of law, treating the fixed 'facts' of a situation as objective entities, with human consciousness engaging with these facts to pursue transcendental justice and utopian ideals.[19]

The most influential intercultural discourse of science that humanity has produced is one that can be understood and tested by individuals from even the most geographically and temporally distant cultures and societies.[20] This is due to the recognition of intersubjectivity as a fundamental characteristic of modern science. The article proposes further exploration to improve and assess potential biases within intersubjectivity by considering alternative viewpoints. These viewpoints may offer varied perspectives, illustrating how intersubjectivity transcends both spatial and temporal limits.[21] The critique of modern society's pursuit of validation and the condemnation of improper actions, especially in legal practices and constitutional adjudication, is also addressed. It considers what constitutes improper error and applies increasingly strict rules for assessing such errors to citizens, courts, and, most importantly, legislatures.[22]

The most commonly accepted justification for constitutional adjudication is that the constitution is the supreme law of the land, reflecting the will of the sovereign citizens, and the role of the interpreter is to determine this will.[23] A recent legal issue involves the juridical existence of state organs granted the authority to make legal decisions. The legitimacy of legal institutions, such as courts and legislatures, is a crucial component of legal authority and the conditions that justify their right to govern political societies.[24] Legal

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[15]Nouha Khelfa and Sayed Mustafa Zamani. 2023. "Is Political Science a Science.?" *Jurnal Politik Indonesia (Indonesian Journal of Politics*) Vol.9 No.2: 1060.

[16]Agazzi, *Scientific Objectivity and Its Context*, hlm.65.

[17]Agazzi, *Scientific Objectivity and Its Context*, hlm.65.

[18]Joseph Agassi, *Popper and His Popular Critics: Thomas Kuhn, Paul Feyerabend, and Imre Lakatos*. New York: Springer International Publishing, 2014, hlm.7.

[19]Agassi, *Popper and His Popular Critics*, hlm.7.

[20]Agazzi, *Scientific Objectivity and Its Context*, hlm.417.

[21]Agazzi, *Scientific Objectivity and Its Context*, hlm.417.

[22]Thomas Bustamante, and Bernardo Goncalves Fernandes, Democratizing Constitutional Law: Perspectives on Legal Theory and the Legitimacy of Constitutionalism, Brazil: Springer International Publishing, 2016, hlm.3.

[23]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.60.

[24]Thomas Bustamante, and Bernardo Goncalves Fernandes, *Democratizing Constitutional Law*, hlm.3.

rules, as outlined in law books, are subject to critique to ensure reasonable application during legal adjudication.[25] The intent of the framers of a provision is often understood through the writings or statements of interpreters.[26] This approach is particularly defensible for moderate originalists, who focus on the framers' intent at a more abstract level, aiming to reflect a broad social consensus rather than the specific ideas of a few adopters.[27]

This article will propose the issue of legal objectivity using the distinguished framework of value judgment in juridical decision. Later, knowledge as a social phenomenon is not only about individual reason but also as a product of human interactions. In an imperfect state of human mind, the judgment can provide the importance of legal knowledge and understanding in societies and states.[28] The purpose of the brief understanding to define the epistemic value and its significance in relation to legal knowledge requires a diversity opinion.[29] The challenges of prejudicial beliefs embedded in or masquerading as scientific theory to be more accepted in a community with diverse values. Furthermore, checking the different views is possible only where the diverse assumptions are warranted by evidence, and which are not that can be realized.[30]

Method

The research methodology applied in this study involves an interdisciplinary approach that incorporates elements of legal epistemology, social science, and philosophical pragmatism to explore the finality and binding nature of constitutional decisions. The objective is to analyse how these decisions are not only legally sound but also epistemically valid and morally defensible. This research uses a theoretical and analytical design through applying epistemological frameworks to critically assess the reasoning and knowledge processes that courts use in constitutional adjudication. And it also integrating insights from social science, political theory, and legal philosophy to broaden the scope of understanding regarding the role of constitutional decisions in society.

The research is primarily theoretical, drawing on secondary sources for data, including literature on legal positivism, natural law theory, pragmatism, and theories of objectivity and intersubjectivity. This works put the contributions from the fields of social sciences and political theory will help contextualize the role of constitutional decisions

[25]Agassi, *Popper and His Popular Critics*, hlm.8.

[26]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.64.

[27]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.64.

[28]Jonathan Chang, and Meghna Chakrabarti, "In the Constitution of Knowledge, Scholar Jonathan Rauch's Defense of Truth," https://www.wbur.org/onpoint/2021/06/24/jonathan-rauch-in-defense-of-truth. Released on 2021.

[29]Jonathan Chang, and Meghna Chakrabarti, "In the Constitution of Knowledge, Scholar Jonathan Rauch's Defense of Truth," https://www.wbur.org/onpoint/2021/06/24/jonathan-rauch-in-defense-of-truth. Released on 2021.

[30]Jonathan Chang, and Meghna Chakrabarti, "In the Constitution of Knowledge, Scholar Jonathan Rauch's Defense of Truth," https://www.wbur.org/onpoint/2021/06/24/jonathan-rauch-in-defense-of-truth. Released on 2021.

within broader societal structures, cultural norms, and governance systems. The research methodology outlined here aims to provide a comprehensive and rigorous epistemic examination of the finality and binding nature of constitutional decisions. By integrating legal, philosophical, and interdisciplinary perspectives, the study seeks to offer fresh insights into the legitimacy, soundness, and moral defensibility of constitutional rulings.

Result and Discussion

A. The Structure of Legal Science and the Importance of Its Epistemic Values

Each science is defined by selecting a specific domain of things as its area of inquiry. What distinguishes a science is its particular way of viewing things or the limited thematic field that constrains its investigation. There is a clear distinction between the realm of concepts and the realm of things. This means that concepts are developed through formulating questions, problems, hypotheses, predictions, and testable statements that use a set of predicates, where predicates represent the names of concepts in each language.[31]

The approximate truth of a statement requires that it be true in some structure within a broader class of structures, rather than being limited to one specific structure. The challenge of disconnecting from the knowledge and understanding of certain aspects of reality necessitates a preliminary understanding of the object itself, which calls for further investigation.[32] We live in pluralistic societies where freedom of thought and conscience are rightly valued.[33] Thus, a better approach to achieving an ideal situation involves an open confrontation of different ethical perspectives. Every small value action carries its own justification, which may appear as part of a larger rationale, and observing and classifying these justifications in their respective contexts allows for deeper understanding.[34]

Kant's most significant work, *The Critique of Pure Reason* (1787), demonstrated that human knowledge can go beyond experience, and is part of a priori knowledge, rather than being derived inductively from experience.[35] Human knowledge encompasses not only logic but also the distinction between analytic and synthetic propositions.[36] Immanuel Kant, regarded as one of the greatest modern philosophers, introduced the key distinction between empirical and a priori propositions.[37] An empirical proposition is one that we can

[31]Agazzi, *Scientific Objectivity and Its Context*, hlm.393.
[32]Agazzi, *Scientific Objectivity and Its Context*, hlm.393.
[33]Agazzi, *Scientific Objectivity and Its Context*, hlm.435.
[34]Hartman, *The Structure of Value*, hlm.11.
[35]Immanuel Kant, *Critique of Pure Reason*, London, and New York: J.M. Dent and Sons Ltd, 1787, hlm.26.
[36]Bertrand Russell, The Problems of Philosophy, 1912, hlm.1012.
[37]Russell, The Problems of Philosophy, hlm.1013.

only know through sense perception, and our knowledge of history and geography depends on observational data.[38] In contrast, an a priori proposition is one that, while it may be prompted by experience, is recognized as being based on something other than experience.[39]

Something is considered real only if it is distinct from nothing, and nothing is merely the opposite of being, which is defined as the basic fact of existence.[40] Value judgment in this research context can be defined as the rationality process which selects one of at least two possible courses of action both of which purportedly would lead to the goal[41] Those judgments can be made and tested with reference to some concrete empirical situation and must depend absolutely upon empirical evidence and rational calculation.[42] The purpose of interpretation may not be as much to overcome self-deception or reveal some hidden genuine interest, as it is to recognize and extend the public character of the articulation of basic common needs and interests.[43] In this context, the need for being "independent of the subject" is clearly recognized as a prerequisite. Although presented in a more refined manner, with various criteria for legal decisions aimed at ensuring independence, the core substance remains unchanged and does not accommodate the interests of the subject.[44]

Professionally established standards are designed to ensure the objectivity of judgments and make them open to intersubjective review.[45] The idea that moral judgments are shaped by experience should be understood in relation to what it means to assert, claim, believe, or judge, all of which involve a process of justification.[46] Intentional states, such as thinking, believing, and wishing, can lead to certain non-purely intentional actions, and examining the normativity of law plays a key role in attempts to reconcile seemingly conflicting views on what the law truly represents.[47]

Law encompasses various social and historical phenomena that have evolved in different forms and functions across times and places, making it impossible to define law with a singular definition. This concept is similar to legal prescriptions in that its ontological status exists in the external world, rather than being solely an internal mental representation.[48] All law originates from decisions made by the state, and legal practitioners

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[38]Russell, *The Problems of Philosophy*, hlm.1013.

[39]Russell, *The Problems of Philosophy*, hlm.1013.

[40]Russell, *The Problems of Philosophy*, hlm.1013.

[41]C. Jack Tucker, "Value Judgment and Social Science: Structures and Processes." *American Sociological Review* Vol.36 No. 1 (February 1971):130.

[42]Tucker, "Value Judgment and Social Science," 130.

[43]Jane Braaten, *Habermas's Critical Theory of Society*. New York: State University of New York Press, 1991, hlm.37.

[44]Jürgen Habermas, *Between Facts and Norms: Contributions to A Discourse Theory of Law and Democracy*. Cambridge: The MIT Press, hlm.224.

[45]Jürgen Habermas, *Between Facts and Norms*, hlm.224.

[46]Misak, *Truth, Politics, Morality: Pragmatism and Deliberation*, hlm.94.

[47]Connie S. Rosati, "Some Puzzles about the Objectivity of Law," Law and Philosophy Vol.23 No.3 (May 2004): 295-296.

[48]Agazzi, *Scientific Objectivity and Its Context*, hlm.192.

regard law as intrinsically tied to justice, pursuing it as a good. It is not strictly dependent on the criteria of reference.[49] The process of scientific inquiry may reasonably be identified and characterized in various ways by different evaluative standards.[50] The ability to raise a truth claim requires an awareness and the ability to understand possible demands for its defense as well as the point of making such demands, truth is to be understood as a kind of warranted susceptibility.[51]

B. The Elements of Interpretation and the Challenge of Rationality in Adjudication

Critics of social science focus on the logical and empirical adequacy of observed data and theories, which are central to the critical nature of social sciences. The social role of science must take into account the cultural context, although there remains an inadequate distinction between its cognitive and practical elements that requires critique.[52] This character often contrasts sharply with the beliefs and theories guiding everyday life. Social theorists tend to revise their theories based on their experiences and are open to new information they gather in the process.[53] Social science serves as a foundation for increasingly effective education, encouraging more rational beliefs, bringing values into the open, and making it harder to maintain lower-level values in opposition to higher-level ones.[54]

Today, the strongest evidence of philosophy's relevance to science can be found in the history and current state of science. It critically examines historical and contemporary examples of value judgments made based on various value systems and suggests that it is feasible to train competent critics to serve as an elite decision-making body.[55] This work addresses the theoretical aspects of legal reasoning and argumentation, focusing on the investigation of legal knowledge through an analysis of the cognitive structures that underpin legal traditions.[56] The question of what legal knowledge entails can be analyzed through three key areas—epistemology, theory, and philosophy—brought together under the umbrella of jurisprudence.[57]

Epistemology in this context must distinguish jurisprudence from legal theory and legal philosophy. Jurisprudence is considered too broad since the philosophy of law focuses

[49]Agazzi, *Scientific Objectivity and Its Context*, hlm.192.
[50]Agazzi, *Scientific Objectivity and Its Context*, hlm.192.
[51]Agazzi, *Scientific Objectivity and Its Context*, hlm.192.
[52]Giddens, *The Constitution of Society*, hlm.335.
[53]Giddens, *The Constitution of Society*, hlm.335.
[54](Cornell et al. 1992)
[55]Tucker, "Value Judgment and Social Science," 130.
[56]Geoffrey Samuel, Epistemology and Method in Law, London and New York: Routledge Taylor and Francis Group, 2016, hlm.6.
[57]Samuel, *Epistemology and Method in Law*, hlm.6.

on the nature of law and legal values.[58] There is a clear distinction between legal science and legal practice; legal science typically organizes positive laws into a systematic, logical hierarchy of rules.[59] The examination of law involves analyzing the theoretical aspects of legal reasoning and argumentation, investigating legal knowledge by exploring the cognitive structures that form the foundation of legal traditions.[60] The nature of legal knowledge can be critiqued in three areas—epistemology, theory, and philosophy—under the broader concept of jurisprudence.[61]

A distinction exists between legal science and legal practice. Legal science generally structures positive laws into a systematic, logical, and balanced hierarchy of rules. The study of law, within the framework of legal knowledge, provides theories and principles of law.[62] Through its structuring function, law employs language to bridge legal knowledge and legal practice, both aiming at the same normative objective of finding appropriate solutions to legal cases. Language operates through characteristic arguments, meaning that law functions through language, and understanding how law works necessitates recognizing that language itself is fundamental to this process.[63] This abstraction distances itself from empirical reality by organizing it into general legal concepts. Language is inseparable from its context, and meanings only become clear when certain interpretations are assumed. Language and society are closely connected, and understanding language, even in its most precise form, requires some comprehension of the society that produced it.[64]

Legal scholars should go beyond simply aligning with the goals and normative views of a particular legal community.[65] Their engagement should be demonstrated through normative proposals for the intended development of the legal system. However, this close alignment and lack of neutrality in legal knowledge diminishes their ability to make verifiable claims.[66] The introduction of a post-axiomatic view of legal knowledge suggests that it is not based on a set of foundational principles or axioms, as is the case in fields like mathematics or natural sciences. Instead, legal knowledge is often dependent on complex, context-sensitive, and sometimes ambiguous sources that cannot be simplified into a straightforward axiomatic framework.

The post-axiomatic perspective suggests that legal knowledge goes beyond simply applying established rules and principles. It requires a deep understanding of the social, historical, and cultural contexts in which laws are formulated and enforced. This view

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[58]Samuel, *Epistemology and Method in Law*, hlm.6.

[59]Samuel, *Epistemology and Method in Law*, hlm.6.

[60]Samuel, *Epistemology and Method in Law*, hlm.6.

[61]Samuel, *Epistemology and Method in Law*, hlm.6.

[62]Adriaan Bedner and Jacqueline Vel, "Legal Education in Indonesia," The Indonesian Journal of Socio-Legal Studies Vol. 1 No.1 (September 2021):5.

[63]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.50.

[64]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.51.

[65] C.W. Marris, and F.C.L.M. Jacobs, *Law, Order, and Freedom: A Historical Introduction to Legal Philosophy*, London and New York: Springer International Publishing, 2011, hlm.308.

[66]C.W. Marris, and F.C.L.M. Jacobs, *Law, Order, and Freedom*, hlm.308.

emphasizes the need to consider the dynamic and evolving nature of legal systems, advocating for a more flexible and adaptive approach to legal reasoning. The post-axiomatic thesis emphasizes the challenges and complexities within legal epistemology, where knowledge is not fixed or simply drawn from established principles but arises from a dynamic interaction of social, political, and historical influences. This perspective advocates for a more nuanced and context-aware understanding of legal knowledge, recognizing the inherent uncertainties and ambiguities present in legal reasoning.

Objectivity, in this context, refers to mind independence, meaning that the correctness of an answer exists independently of any personal opinions.[67] However, interpretation in legal matters is subjective, with the moral soundness criterion varying from one judge to another based on their political and moral beliefs, as well as the relevant legal materials.[68] The notion of truth in judicial fact-finding and legal interpretation assumes a theory of truth that surpasses mere knowledge, with the knowable fact being the central focus in court proceedings.[69] Legal interpretation, extending beyond constitutional text and context, grants courts and other parties the discretion to determine who holds the ultimate responsibility for decision-making—whether to leave it with the administration or transfer it to another body.[70] This underscores the need for objective decision-making that ensures the administration remains free from its own political influence.[71]

The issue of interpretation plays a key role in differentiating between two types of truth in judicial fact-finding: substantive truth and formal truth.[72] Both are essential to judicial fact-finding, which must be demonstrated through legal epistemic procedures, confirming certain factual claims as legally true. Value interpretation focuses on identifying a distinct form of significance, as exemplified through the study of literary interpretation.[73] An interpretation is only valid if it stays within the boundaries suggested by the language used.[74] The text typically constrains the interpreter, preventing them from exceeding what are intuitively recognized linguistic limits, thereby serving as a check on constitutional interpretation.[75]

A challenge arises in formulating, even provisionally, a hypothesis of political justice. This involves an evaluative standpoint and a clear and appropriate understanding

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[67]Mark Tebbit, *Philosophy of Law: An Introduction 2nd Edition*. New York: Routledge Taylor Francis Group, 2005, hlm.64.

[68]Tebbit, *Philosophy of Law*, hlm.64.

[69]Olgierd Bogucki, "Truth in Judicial Fact-Finding and Legal Interpretation," *International Journal for the Semiotics of Law- Revue internationale de Sémiotique juridique* 36: 651.

[70]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.192.

[71]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.192.

[72]Olgierd Bogucki, "Truth in Judicial Fact-Finding and Legal Interpretation," 653

[73]Jr., Ronaldo Porto Macedo, " On How Law is Not Like Chess-Dworkin and the Theory of Conceptual Types," *Democratizing Constitutional Law and Philosophy Library* 113, hlm.321.

[74]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.53.

[75]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.53.

of legal phenomena.[76] Social science scholars often prioritize the practical application of knowledge in their daily work. However, the fundamental aspects of society's institutional structure may limit or distort what is accepted as knowledge.[77] To attain a level of modest objectivity within the context of legal facts, one must consider what seems correct under ideal epistemic conditions and what judges would view as legally correct in those circumstances.[78] The issue of rationality in adjudication emerges when judicial decisions must satisfy both legal certainty and rational acceptability.[79] This problem translates the idealizing demands of theory formation into the necessary pragmatic assumptions of legal discourse.[80] This research plan aims to explore the objectivity of law, focusing on the nature of law as it relates to the gap between a lawyer's judgments, beliefs, and so on regarding what the law requires, and what it actually requires.[81] The larger this gap, the stronger the objectivity of the law. This research will lead to a parallel investigation of human judgments, reactions, or attitudes in legal facts.

C. An Analysis of the Finality and Binding Nature of Constitutional Decision: The Interaction Between Value and Truth in Value Judgment

This section explores the impact of epistemic values on perceptions and judgments about truth within legal contexts, while also critically analyzing potential conflicts between value-based interpretations and objective truths in legal knowledge. When a provision is interpreted close to the time of its adoption, the interpreter naturally situates the provision within its linguistic and social contexts.[82] Further discussion delves into the interactions and implications for justice and fairness, emphasizing that truth, as a component of legal knowledge, must be defined within various frameworks that address the limitations of establishing truth in legal matters.

The search for insight involves examining word meanings and understanding the mind's use of language, where cognition becomes action, use becomes meaning, and implication becomes contextual.[83] Value structures force the mind into patterns that may not reflect reality, and moral science, as a way of valuing, explores the current moral crisis in philosophy.[84] This approach assumes that understanding valuation is possible without

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[76]Jr., Ronaldo Porto Macedo, " On How Law is Not Like Chess-Dworkin and the Theory of Conceptual Types", hlm. 321.

[77]Giddens, *The Constitution of Society*, hlm.334.

[78]Rosati, "Some Puzzles about the Objectivity of Law,"283.

[79]Jürgen Habermas, *Between Facts and Norms*, hlm.238.

[80]Jürgen Habermas, *Between Facts and Norms*, hlm.238.

[81]Jürgen Habermas, *Between Facts and Norms*, hlm.238.

[82]John H. Garvey and T. Alexander Aleinikoff, *Modern Constitutional Theory A Reader*, hlm.63.

[83]Hartman, *The Structure of Value*, hlm.13.

[84]Hartman, *The Structure of Value*, hlm.14.

detachment from the act of valuing.[85] The underlying moral and political culture serves as a critical source of legal reasoning, but this raises questions about judicial legitimacy. In classical liberal thought, legitimacy requires that courts base their decisions on pre-existing rights, permissions, and prohibitions established by legitimate political processes. This brings up issues about how judicial decisions can meet this requirement when they rely on the background moral and political culture. Moreover, can there be widely shared cultural views, or is our culture characterized by fundamental disagreements on moral and political matters?[86]

Concepts like justice, equality, impartiality, mutual advantage, and fair reciprocity all influence the determination of what is just or unjust, though there is no singular definition of justice. From a pragmatist standpoint, various arguments and perspectives will continue to be presented, as they are now, reflecting diverse viewpoints.[87] One can inquire whether a well-conducted investigation, even before reaching a final conclusion, justifies a statement, and this justification remains valid regardless of new information.[88] Reality aligns with existence, encompassing all of being, and objectivity depends on the perspective taken. Objectivity requires making the value premises underlying decisions clear, ensuring they are relevant, significant, practical, and valid for an extended time.[89] Legal measures may need to be introduced to enforce respect for such boundaries through legitimate force. However, legal rules should not be seen as mere coercion but should align with a 'free acceptance' of the limitations they impose.[90]

Every citizen is obligated to act according to their duty, in a context where everyone feels responsible and respects the duty not to harm others, expecting the same in return. This widespread attitude is essential for fostering the mutual trust necessary for the morally sound progress of scientific activity.[91] The challenge is in fostering a sense of responsibility and duty within science, which can be achieved by involving all citizens in the decision-making process, making regulations more acceptable and reasonable. This approach can also apply to laws understood in their technical legal sense. The issue of balancing freedom and regulation can be effectively addressed through the self-regulation of the scientific community, particularly in ethically sensitive areas. Intersubjectivity is recognized as a key feature of science, providing diverse perspectives on intercultural knowledge.

The dynamics of the social system are influenced by circular causation, where changes in one aspect led to changes in others, creating a ripple effect throughout the system.[92] This circular causation maintains freedom in decision-making, meaning choices

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[85]Hartman, *The Structure of Value*, hlm.14.

[86]Christopher Berry Gray, *The Philosophy of Law An Encyclopedia Vol.I-II A-Z*. New York, Routledge Taylor and Francis Group, hlm.48.

[87]Misak, *Truth, Politics, Morality: Pragmatism and Deliberation*, hlm.7.

[88]Misak, *Truth, Politics, Morality: Pragmatism and Deliberation*, hlm.65.

[89]Gunnar Myrdal, *Objectivity in Social Research*, hlm.937.

[90]Agazzi, *Scientific Objectivity and Its Context*, hlm.192.

[91]Agazzi, *Scientific Objectivity and Its Context*, hlm.436.

[92]Gunnar Myrdal, *Objectivity in Social Research*, hlm.328.

are not completely determined by external factors. Choosing to be objective involves acknowledging limitations on what one can do.[93] Acting objectively goes beyond merely convincing oneself of being objective; it requires a true acceptance of these limitations.[94] Norms shaped by subjective factors significantly contribute to the discovery or creation of new theories, but the intuitive process is outside the scope of the philosophy of science and irrelevant to scientific objectivity.[95] Scientific objectivity is established through the processes by which theories are tested, justified, and judged according to objective criteria agreed upon by the qualified group.[96] Truth and objectivity are determined by how evidence and arguments are assessed, guiding the community of inquirers in deciding what to believe.[97] This raises questions about the legitimacy of the political processes that have shaped current cultural perspectives on rights, permissions, and prohibitions.[98]

A philosophical framework for evaluating institutional possibilities in democratic processes should acknowledge the importance of recent constitutional experiments in establishing legitimacy. These experiments are essential for assessing the normative value of various mechanisms for enacting change and understanding the broader trends in institutional innovation. As Ronald Dworkin argued, the methodological flaw of legal positivism lies in its reliance on the truth conditions of the argumentative practice that defines it.[99] A legal doctrinal approach promotes legal certainty, which can develop when it is based on a well-informed understanding of real-world facts.[100] The legal system must recognize the importance of legal pluralism to prevent loss of legitimacy and avoid significant injustices.[101]

Conclusion

The epistemic examination of constitutional decisions underscores the profound significance of their finality and binding nature in maintaining the integrity of the legal system. Constitutional decisions, often rendered by supreme or constitutional courts, are not merely authoritative pronouncements; they embody the highest interpretation of the law, designed to provide a stable and predictable framework within which society operates. Finality in constitutional decisions ensures that once a decision is made, it serves as the ultimate resolution of the legal issues at hand. This concept is crucial in preventing

[93]George C. Christie, "Objectivity in the Law," The Yale Law Journal Vol.78 No.8 (July 1969):1349.
[94]George C. Christie, "Objectivity in the Law," 1349.
[95]Rosenberg and Tom L. Beauchamp, *Hume and the Problem of Causation*, hlm.426.
[96]Rosenberg and Tom L. Beauchamp, *Hume and the Problem of Causation*, hlm.426.
[97]Misak, *Truth, Politics, Morality: Pragmatism and Deliberation*, hlm.1.
[98]Gray, *The Philosophy of Law An Encyclopedia*, hlm.48.
[99]Jr., Ronaldo Porto Macedo, " On How Law is Not Like Chess-Dworkin and the Theory of Conceptual Types", hlm. 293
[100]Adriaan Bedner and Jacqueline Vel, "Legal Education in Indonesia," 25.
[101]Adriaan Bedner and Jacqueline Vel, "Legal Education in Indonesia,"25.

perpetual litigation, fostering legal certainty, and upholding the rule of law. The binding nature of these decisions further reinforces their authority, compelling adherence by all branches of government and citizens alike. It is through this binding force that constitutional decisions shape the contours of governance, rights, and societal norms.

Epistemically, the examination of these decisions involves understanding the knowledge and reasoning processes that courts employ to arrive at their conclusions. This process is critical in assessing the legitimacy, fairness, and soundness of constitutional interpretations. By scrutinizing the epistemic foundations, scholars, and practitioners can evaluate the coherence, consistency, and alignment of constitutional decisions with the broader legal and moral principles they are meant to uphold. The definitive and binding nature of constitutional decisions is crucial for maintaining the stability and effectiveness of the legal system. The epistemic examination of these decisions not only aids in understanding their legal implications but also ensures that they stand on firm intellectual and moral ground. Through such examination, the judiciary's role as the guardian of constitutional integrity is both affirmed and critically assessed, ensuring that the law serves its foundational purpose of justice and order in society.

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