

## THE PARADIGM OF LEGAL INTEGRITY IN RONALD DWORKIN'S THOUGHT: A RECONSTRUCTION OF THE RELATIONSHIP BETWEEN LAW, MORALITY, AND SUBSTANTIVE JUSTICE

Dwi Nur Lathifah<sup>1</sup>, Hanna de Khairunnisa<sup>2</sup>, Lailatul Mubarakah<sup>3</sup>,  
Fazratul Aulia Mallagening<sup>4</sup>, Elviandri<sup>5</sup>

Muhammadiyah University of East Kalimantan, Indonesia

Email: [dwinurlathifah7@gmail.com](mailto:dwinurlathifah7@gmail.com), [hannakhairunnisa129@gmail.com](mailto:hannakhairunnisa129@gmail.com),  
[lmubarakah05@gmail.com](mailto:lmubarakah05@gmail.com), [faezrahv@gmail.com](mailto:faezrahv@gmail.com)

### Abstrak

#### Keywords:

Ronald Dworkin,  
Law as Integrity,  
Legal Integrity,  
Morality,  
Substantive Justice.

*This study examines the paradigm of legal integrity in Ronald Dworkin's thought by reconstructing the relationship between law, morality, and substantive justice. The study is motivated by the persistence of legal formalism and positivistic approaches that tend to separate law from moral values, resulting in legal practices that often fail to fulfill society's sense of justice. Employing normative legal research with conceptual and philosophical approaches, this study analyzes Ronald Dworkin's critique of legal positivism and his concept of "Law as Integrity." The findings reveal that, according to Dworkin, law is not merely a system of formal rules but also encompasses moral principles that provide justification for legal interpretation and decision-making. Through the concept of "Law as Integrity," Dworkin views law as a coherent and integrated system that must be interpreted consistently with principles of justice, equality, and respect for individual rights. The study further demonstrates that reconstructing the relationship between law and morality is essential to realizing substantive justice and developing a legal system that is responsive to social dynamics and human values. In the Indonesian context, Dworkin's thought offers a philosophical foundation for promoting a progressive legal order that balances legal certainty, justice, and societal welfare.*

*This is an open access article under the [CC BY-NC-SA 4.0](https://creativecommons.org/licenses/by-nc-sa/4.0/) license*



## INTRODUCTION

Developments in modern law indicate a paradigm shift from a legalistic-formal approach toward a more substantive and justice-oriented paradigm. In contemporary states governed by the rule of law, law is no longer understood merely as a set of regulations governing social behavior, but also as an instrument for realizing the protection of citizens' rights, social welfare, and civilized justice. The perspective of the welfare rule of law positions the law as a means to achieve welfare and protect the interests of society through the integration of humanistic and moral values into the administration of justice.

Nevertheless, law enforcement practices in various countries, including Indonesia, still often exhibit a legalistic tendency that reduces the law to mere formal rules applied mechanically. This approach frequently results in rulings that are normatively valid but do not necessarily reflect the sense of justice that prevails in society. This situation demonstrates that the law cannot be completely separated from the moral dimension, because, in essence, the law exists to realize both order and substantive justice. The relationship between law and morality is a crucial issue in modern legal philosophy, particularly in efforts to understand the purpose and function of the law more comprehensively.

One of the thinkers who has offered a fundamental critique of legal positivism is Ronald Dworkin. According to Dworkin, law consists not only of a set of rules but also encompasses principles that embody moral values and justice. Therefore, the absolute separation between law and morality, as proposed by legal positivism, fails to explain the practice of law enforcement, particularly in the resolution of "hard cases." For Dworkin, when adjudicating cases, judges do not merely apply rules mechanically but also interpret the moral principles that are an integral part of the legal system itself.

Dworkin's thinking later evolved through the concept of "Law as Integrity," which views law as a unified, coherent, and consistent system built upon moral principles. The integrity of law requires that every legal decision be justified based on principles that protect individual rights and realize substantive justice. This perspective aligns with the view that the purpose of law is not only to create legal certainty but also to promote the common good, equality, freedom, and the protection of fundamental human interests.

In the Indonesian context, the need for a more progressive legal paradigm oriented toward substantive justice is becoming increasingly important. Law enforcement cannot rely solely on the formal validity of a legal norm; it must also take into account the moral and humanitarian values that are alive in society. A progressive legal paradigm views the law as a dynamic, human-centered institution, requiring it to respond to social developments and deliver tangible justice to the public. Based on the above discussion, this study aims to analyze the paradigm of legal integrity in Ronald Dworkin's thought and to reconstruct the relationship between law, morality, and substantive justice from the perspective of the philosophy of law. This study is expected to make a theoretical contribution to the development of legal philosophy while also serving as a conceptual foundation for the development of a more progressive, responsive, and substantive justice-oriented Indonesian legal system.

## LITERATURE REVIEW

### Legal Positivism and the Separation of Law from Morality

This section examines the development of Legal Positivism through the theories of John Austin, Hans Kelsen, and H.L.A. Hart. The discussion focuses on the concept of the separation between law and morality, commonly known as the separation thesis, which argues that the validity of law depends on its formal enactment rather than its moral content. Legal Positivism emphasizes legal certainty, predictability, and the authority of legal institutions as the primary foundations of a legal system. This section also explores the strengths of positivist thought in establishing an orderly and systematic legal framework, while addressing criticisms that it often neglects substantive justice. The limitations of Legal Positivism become particularly evident when legally valid rules produce outcomes that are perceived as unfair or inconsistent with societal values. Understanding these debates provides the theoretical foundation for Ronald Dworkin's critique of positivist jurisprudence.

### Ronald Dworkin's Theory of Law as Integrity

This section discusses Ronald Dworkin's theory of Law as Integrity as a response to the limitations of Legal Positivism. Dworkin argues that law is not merely a collection of rules but also includes principles and policies that embody moral values. Therefore, legal reasoning cannot be reduced to the mechanical application of legal rules. The discussion covers Dworkin's distinction between rules and principles, his concept of hard cases, and the role of the hypothetical Judge Hercules in achieving coherent legal interpretation. The theory of Law as Integrity requires judges to interpret legal norms in a manner that maintains consistency with the fundamental principles of justice, equality, and individual rights. This approach presents law as an interpretive practice that seeks coherence within the legal system while ensuring that legal decisions remain morally justified.

### The Relationship Between Law, Morality, and Substantive Justice

This section explores the conceptual relationship between law, morality, and substantive justice from the perspective of legal philosophy. Particular attention is given to Dworkin's argument that moral principles are an integral part of the legal system and should guide legal interpretation and decision-making. The discussion examines how substantive justice differs from formal justice by emphasizing fairness, human dignity, and the protection of individual rights. It also highlights the importance of moral reasoning in resolving legal disputes that cannot be adequately addressed through strict textual interpretation. In the Indonesian context, this relationship is analyzed through the values of Pancasila, the welfare rule of law, and the pursuit of a more progressive and responsive legal system. By integrating legal norms with moral principles, substantive justice can be realized more effectively within contemporary legal practice.

## RESEARCH METHOD

This study is a normative legal study employing a conceptual approach and a statutory approach. Data were obtained through a literature review of relevant books, journal articles, and legal documents concerning the thought of Ronald Dworkin, particularly the concept of "Law as Integrity" and the Interpretive Theory of Law. The data were analyzed qualitatively through a process of reduction, classification, and

interpretation to gain a comprehensive understanding of the implications of Dworkin's thought for modern legal development

## **RESULT AND DISCUSSION**

### **Ronald Dworkin's Critique of Legal Positivism**

Ronald Dworkin's philosophy emerged as a response to the dominance of legal positivism, which developed through the ideas of John Austin and H.L.A. Hart. Legal positivism views law as a set of rules that derive their validity from the formal procedures of their creation and are separate from moral considerations. According to Dworkin, this view fails to account for various legal issues, particularly in resolving "hard cases" that cannot be resolved solely by relying on written rules. In such situations, judges do not merely apply the rules mechanically but also draw upon moral principles that are integral to the legal system.

Dworkin argues that law consists not only of rules, but also encompasses principles and policies that have a moral dimension. Therefore, the absolute separation between law and morality, as proposed by legal positivism, is an inadequate approach to explaining modern law enforcement practices. Law must be understood as a normative system that embodies a commitment to justice and respect for individual rights.

### **The "Law as Integrity" Paradigm in the Thought of Ronald Dworkin**

The concept of "Law as Integrity" is one of Ronald Dworkin's greatest contributions to modern legal philosophy. According to Dworkin, law must be understood as a unified, coherent, and consistent system, in which every legal decision is viewed as part of the overall legal structure built upon moral principles. The integrity of the law requires judges to interpret the law by prioritizing the coherence of the values and principles that underpin the legal system as a whole.

From the perspective of "Law as Integrity," judges are not only tasked with identifying relevant legal rules but also with interpreting the principles that provide moral justification for the decisions they render. Therefore, the process of enforcing the law cannot be separated from efforts to realize substantive justice and the protection of individual rights. This approach also demonstrates that law is an interpretive practice that continually evolves in tandem with the social dynamics of society.

Dworkin's view is consistent with the concept of the welfare state governed by the rule of law, which regards the law as an instrument for realizing the common good, the protection of human rights, equality, and freedom. From the perspective of Maqāṣid al-Sharī'ah, the purpose of law is directed toward achieving welfare and protecting fundamental human interests (Elviandri, 2018). Thus, the integrity of law ( ) requires not only consistency in norms but also an orientation toward moral and humanitarian values.

### **Reconstructing the Relationship Between Law and Morality**

For Ronald Dworkin, the relationship between law and morality is integral and cannot be absolutely separated. Moral principles are not external elements that stand apart from the law, but rather an integral part of the legal system itself. Therefore, the interpretation of the law must take into account the moral values that exist within society so that the law can realize substantive justice. Implications of Ronald Dworkin's Thought for Legal Development in the World and in Indonesia

This concept is consistent with the paradigm of the welfare state, which views the

law as an instrument for protecting the rights of the people and promoting social welfare. The law serves not only as a tool for social control, but also as a means of bringing justice and benefits to society as a whole.

Through the “Law as Integrity” perspective, Dworkin advocates that law be understood as an interpretive practice oriented toward moral principles and respect for human dignity. Thus, the interpretation of law must not be limited to a textual approach but must also take into account the values of justice, utility, and the protection of human rights as the primary purposes of the law itself.

### **Substantive Justice and the Implications of Ronald Dworkin’s Thought for the Development of Law in Indonesia**

The concept of substantive justice in Ronald Dworkin’s thought positions justice as the primary guiding principle in the process of creating, interpreting, and enforcing the law. According to Dworkin, a good law is one that protects individual rights and produces decisions that are not only formally valid but also morally just. Therefore, judges are required to develop legal arguments grounded in moral principles and respect for human rights.

In the Indonesian context, Dworkin’s ideas are highly relevant, given that law enforcement practices are still often trapped in a formalistic-legalistic approach that disregards the public’s sense of justice. The progressive legal paradigm asserts that law must be understood as a dynamic, human-centered institution that is constantly oriented toward achieving substantive justice. Law enforcement cannot rely solely on normative certainty; it must also take into account moral and humanitarian dimensions in every legal decision-making process.

Furthermore, the paradigm of the welfare rule of law also positions the law as an instrument grounded in moral and humanitarian values to achieve the comprehensive well-being of society. Therefore, the reconstruction of the relationship between law, morality, and substantive justice, as proposed by Ronald Dworkin, can serve as a philosophical foundation for the development of a more progressive, responsive, and rights-oriented Indonesian legal system.

### **CONCLUSION**

Ronald Dworkin’s thought presents the “Law as Integrity” paradigm, which views law as a unified, coherent system that is inseparable from its underlying moral principles. Through his critique of legal positivism, Dworkin asserts that law consists not only of a set of formal rules but also encompasses principles that embody the values of justice, equality, and respect for individual rights. Therefore, the legitimacy of the law is not determined solely by the formal validity of a norm, but also by its ability to realize substantive justice.

A reconstruction of the relationship between law and morality from Dworkin’s perspective shows that the processes of lawmaking, interpretation, and enforcement must always take into account the moral and humanitarian values that are alive in society. The paradigm of legal integrity requires that every legal decision not only provide legal certainty but also bring tangible benefits and a sense of justice to society. In the Indonesian context, Ronald Dworkin’s thought provides a philosophical foundation for the development of a legal system that is more progressive, responsive, and oriented toward substantive justice, so that the law can function as an instrument for protecting

citizens' rights and realizing social welfare and justice.

## BIBLIOGRAPHY

- Ardila, S. (2023). Pernikahan dalam Perspektif Islam dan Parmalim. *ANWARUL*, 3(3), 361–370. <https://doi.org/10.58578/anwarul.v3i3.1032>
- Audina, A., Ainul, S. H., Marjan, M., Setyo, O. S., & Elviandri. (2026). Revitalizing progressive law: A philosophical analysis of the paradigms and dynamics of legal change. *Journal of Innovative and Creativity (JOECY)*, 6(1), 1882–1890. <https://doi.org/10.31004/joecy.v6i1.6710>
- Dimiyati, K., Absori, Elviandri, Wardiono, K., & Budiono, A. (2021). Indonesia as a legal welfare state: A prophetic-transcendental basis. *Heliyon*, 7(8), e07865. <https://doi.org/10.1016/j.heliyon.2021.e07865>
- Elviandri. (2018). The formulation of the welfare state: The perspective of Maqāsid al-Sharī'ah. *Indonesian Journal of Islam and Muslim Societies*, 8(1), 117–146. <https://doi.org/10.18326/ijims.v8i1.117-146>
- Hiebaum, C. (2023). Law as weak integrity. *Revus: Journal for Constitutional Theory and Philosophy of Law*, 49, Article 11455. <https://doi.org/10.4000/revus.11455>
- Junaedi. (2025). The relationship between morality and law: A contemporary legal philosophy perspective.
- Kotowski, W. (2021). Ronald Dworkin's integral theory. *Studia Iuridica Lublinensia*, 30(1), 149–166. <https://doi.org/10.17951/sil.2021.30.1.149-166>
- Kurnia, Titon, Krishna Darumurti, and Prisilia Moonik. "The Indonesian Constitutional Court's Moral Legitimacy: A Dworkinian Rights-Based Defense." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 12, no. 1 (2025): 48–68. <https://doi.org/10.22304/pjih.v12n1.a3>
- Maulana, Muhamad Ibra Akbar, Teguh Andi Nugraha, Mochamad Arkan Rasyad Pasha, and Muhammad Abid Siraj. "Dworkin and the Common Law Tradition: Philosophical and Practical Implications." *Nusantara: Journal of Education, Arts, Sciences, and Social Humanities* 3, no. 01 (2025).
- Nurdiansyah, Riki. "Ethical Dilemmas in the Judiciary: Balancing Legal Certainty and Substantive Justice." *HARISA: Journal of Law, Sharia, and Social Sciences* 2, no. 1 (2025): 217–30.
- Prihatmini, Sapti, Dominikus Rato, and Bayu Dwi Anggono. "Null Judgment: Assessing Existence and Validity from Ronald Dworkin's Perspective." *Al-Daulah: Journal of Criminal and Constitutional Law* 12, no. 2 (2023): 264–77.
- Sebastian, Tanius. "Ronald Dworkin's Anti-Positivism: Reasoning About Law as Morality." *Undang: Law Journal* 6, no. 1 (2023): 269–308.
- Susanti, N., & Sh., M. (2021). *Legal Interpretation: Theory and Method*.
- Susilo, Erwin, and Karell Mawla Ibnu Kamali. "Law as Integrity in the Pancasila System: Judicial Reasoning in Hard Cases and Gray Areas." *Pancasila: Journal of Indonesian Studies*, 2026, 21–36.
- Ujung, Pendi, Maria Ulfa, Hendra Sudarsin, Sopar Usman, and Parningotan Malau. "A Study of Ronald Dworkin's Thought on Legal Positivism." *Al-Zayn: Journal of Social Sciences & Law* 3, no. 6 (2025): 10611–22.