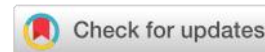




Research Article



## From Procedural to Substantive Morality: Participation Problem on Lawmaking in Indonesia

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**Abstract:** This research demonstrates that lawmaking in Indonesia prioritizes procedural compliance while confining public participation to a symbolic and ineffective function in achieving substantive moral legitimacy. This orientation obstructs the transition from procedural morality to substantive morality and weakens the relationship between law and morality, which remains susceptible to political interests and lacks a coherent normative foundation. This research aims to examine the participation deficit in Indonesian lawmaking and to reconstruct the integration of morality by bridging the gap between formal participation and substantive moral legitimacy. This research employs a normative juridical method through conceptual, statutory, and comparative approaches to analyze the structure and function of participatory mechanisms. The findings reveal that symbolic participation constitutes the principal weakness in Indonesian lawmaking, as institutions satisfy procedural requirements without ensuring that public participation shapes normative outcomes, thereby producing a gap between formal legality and moral legitimacy. Comparative analysis demonstrates that effective institutional design enables participation to function as a substantive mechanism that articulates and realizes public interests within the legal system. This research develops a three-layer framework. First, the material element ensures that participation reflects substantive public interests and societal values within legal norms. Second, the formal element ensures that participatory procedures operate effectively, inclusively, and systematically within the lawmaking process. Third, the obligation element requires institutions to process, respond to, and incorporate public input into binding legal outcomes. This research concludes that reconstructing participation as a determinative institutional mechanism aligns legal processes with substantive moral outcomes, strengthens public trust, and secures sustainable legal legitimacy in Indonesia.

**Keywords:** Law-Making Process; Morality; Participation; Regulation;



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## INTRODUCTION

The primary issue in modern jurisprudence is not merely the proliferation of regulations, but the systemic disconnection between procedural legality and moral legitimacy within contemporary lawmaking practices. Existing legal scholarship has extensively debated the relationship between law and morality at a philosophical level; however, there remains a critical gap in translating these abstract debates into concrete institutional mechanisms within legislative processes. As a result, law is often reduced to a set of formal procedures that lack ethical substance, leading to a crisis of substantive legitimacy. A legal system grounded solely in procedural validity without a moral-



foundation risks losing its normative authority, as compliance becomes driven by coercion rather than ethical recognition. In such circumstances, law ceases to function as a reflection of collective values and instead becomes an instrument of power that may legitimize oppressive yet formally valid regulations.

The challenge of transforming moral values into positive legal norms frequently produces a fragmented and inconsistent application of morality in legal practice. This fragmentation is particularly evident in legislative processes that prioritize economic efficiency and political expediency over justice-oriented considerations.<sup>1</sup> However, moral values are no longer perceived as an essential ethical foundation; rather, they are addressed in a contextual manner.<sup>2</sup> This situation makes the moral deterioration in legal practice worse by weakening the binding power of morality as a standard that connects legal goals and acts. Adam Smith claimed that the corruption of moral sentiments was the impetus for the deterioration of moral behavior within the legal system.<sup>3</sup> Smith observed the human tendency to glorify wealth, power, and prestige,<sup>4</sup> while neglecting wisdom and virtue.<sup>5</sup> In the context of law formation, this tendency manifests itself when the legislative process favors the interests of powerful groups over the protection of vulnerable groups. In these situations, the law no longer serves to uphold justice; instead, it legitimates authority. For example, the Omnibus Law system favors the interests of big businesses and makes it easier for them to invest (powerful groups), while at the same time weakening environmental regulations and making workers' rights less certain (vulnerable groups). So, this is like what Adam Smith called the "corruption of moral sentiments," where lawmakers put "wealth and greatness" (investment) ahead of "wisdom and virtue" (workers' welfare).<sup>6</sup>

The phenomenon of minimal integration of morality in legal formation in Indonesia can be concretely identified through a number of legislative products and constitutional review decisions. Although Indonesia's legal framework formally guarantees public participation in every legislative process, the reality is that such participation tends to be procedural and symbolic. Therefore, the key issue is not whether participation exists, but rather the extent to which it influences the formation of legal norms. One of the most prominent examples is the judicial review of Law Number 11 of 2020 concerning Job

<sup>1</sup> Ann Neir Woodward, 'Beyond Negative Rights: Living Without Certainty, Social Change and the Possibility of Postmodern Ethics', pp. 337–56 [https://doi.org/10.1016/S0278-1204\(05\)23007-4](https://doi.org/10.1016/S0278-1204(05)23007-4)

<sup>2</sup> Anne Sebastian and Matthias P Hühn, 'Are Psychological Theories on Self-Awareness in Leadership Research Shaping Masters Not Servant Leaders?', *Philosophy of Management*, 22.4 (2023), 571–86 <https://doi.org/10.1007/s40926-023-00231-w>

<sup>3</sup> Olivia Bailey, 'Sophie de Grouchy on Sympathy, Economic Inequality, and the Corruption of Moral Sentiments', in *The Empathetic Emotions in the History of Philosophy* (Oxford University Press/Oxford, 2025), pp. 167–85 <https://doi.org/10.1093/9780191947353.003.0010>

<sup>4</sup> Philip D. Bunn, 'Freedom and the Machine: Technological Criticisms in Adam Smith's Thought', *Political Research Quarterly*, 76.1 (2023), 407–17 <https://doi.org/10.1177/10659129221091579>

<sup>5</sup> Thiago Vargas, 'The Philosophical Foundations of Authority in Adam Smith: Wealth, Admiration, and Systems', *History of European Ideas*, 51.3 (2025), 493–512 <https://doi.org/10.1080/01916599.2024.2430948>

<sup>6</sup> Dzhenyeva Lukovskaia, 'Legitimacy of Law as a Dialogue between the Legislator and His Addressees about Law and Justice', *Pravovedenie*, 65.4 (2021), 484–98 <https://doi.org/10.21638/spbu25.2021.407>



Creation in Constitutional Court Decision Number 91/PUU-XVIII/2020, in which the Constitutional Court declared the law conditionally unconstitutional due to procedural flaws in its formation process, particularly related to the lack of meaningful public participation and the lack of transparency in the legislation.<sup>7</sup> This condition reflects a failure in the formal aspect of legal morality, as the legislative process fails to meet the principles of openness and accountability. Furthermore, the dynamics of changes to the Corruption Eradication Commission Law through Law Number 19 of 2019 also show a similar trend, in which the weakening of institutional independence is seen as a form of subordination of substantive justice values to political interests. These two examples emphasise that even though they formally comply with legislative procedures, the substance and process of legal formation do not fully reflect the moral values that should be the foundation of legal legitimacy, thus strengthening the argument that the legal crisis in Indonesia is not only normative, but also ethical-institutional.<sup>8</sup>

This tension indicates that the theoretical distinction between law and morality, as asserted in legal positivism, is unable to clarify the complexities of modern public governance. H.L.A. Hart acknowledged the connections between law and morality; however, legislators often neglect moral contemplation to evade potential political consequences. The main question is no longer whether or if law should be moral. Instead, it is how to turn transcendental moral ideas into positive legal standards without losing their moral integrity.<sup>9</sup> When law is reduced to a means of political and economic interest, the legal system gradually loses its moral authority. Legal authority does not derive solely from formal validity or procedural legitimacy, but also from its ability to reflect the values of virtue that are morally recognized by society. Without this dimension, the law tends to be obeyed out of coercion rather than ethical awareness. For example, the Omnibus Law prioritizes the needs of powerful groups, such as big businesses and investment facilitation, over those of vulnerable groups, such as the environment and workers' rights. This issue exemplifies what Adam Smith referred to as the "corruption of moral sentiments," in which politicians put "wealth and greatness" (investment) above "wisdom and virtue" (workers' welfare).<sup>10</sup>

From a theoretical perspective, this tension exposes the limitations of dominant legal paradigms, including legal positivism, which tends to separate law from morality and

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<sup>7</sup> Nur Aji Pratama, 'MEANINGFUL PARTICIPATION SEBAGAI UPAYA KOMPROMI IDEE DES RECHT PASCA PUTUSAN MK NO. 91/PUU-XVIII/2020', *CREPIDO*, 4.2 (2022), 137–47 <https://doi.org/10.14710/crepido.4.2.137-147>

<sup>8</sup> Weppy Susetiyo and others, 'Kepastian Hukum Undang-Undang Cipta Kerja Bidang Kesehatan Pasca Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020', *Jurnal Supremasi*, 2022, 27–36 <https://doi.org/10.35457/supremasi.v12i2.2315>

<sup>9</sup> Flávio Maria Leite Pinheiro, Matheus Alves da Rocha, and Pedro Cruz Martins e Silva, 'O DEBATE HART E FULLER NA TEORIA DO DIREITO: A RELAÇÃO DIREITO E MORAL ANALISADA A PARTIR DE REGIMES JURÍDICOS INJUSTOS', *Revista Juris Verdi*, 2.1, jan./mar. (1<sup>o</sup> trim) (2025) <https://doi.org/10.63835/mg9fj526>

<sup>10</sup> Xiaoming Shang, Linlin Zhan, and Chaoqun Xie, 'Restricting Impoliteness: (Re)Asserting Morality in Third-Party Mediation of Chinese Interpersonal Conflict', *Journal of Pragmatics*, 251 (2026), 47–64 <https://doi.org/10.1016/j.pragma.2025.11.004>



fails to adequately address the complexity of modern governance. While H. L. A. Hart acknowledges a conceptual connection between law and morality, his framework does not provide operational guidance for embedding moral reasoning within legislative institutions. In contrast, Lon L. Fuller emphasizes the internal morality of law through procedural principles such as transparency, consistency, and clarity, whereas Ronald Dworkin advances a substantive conception of law grounded in moral reasoning and rights-based interpretation. However, both approaches remain limited in offering a concrete institutional design capable of integrating procedural and substantive morality within lawmaking processes. This reveals a significant research gap: the absence of a structured and operational framework that bridges procedural legality and substantive justice at the institutional level.<sup>11</sup>

Empirical evidence reinforces this claim, particularly in the case of the Omnibus Law on Job Creation, which was declared conditionally unconstitutional by the Constitutional Court due to the absence of meaningful public participation and procedural inconsistencies. Reports from civil society organizations such as WALHI and international institutions including the ILO further demonstrate the subordination of social and environmental protections to economic interests. Moreover, the persistence of regulatory frameworks despite constitutional correction indicates weak oversight and accountability mechanisms, confirming a simultaneous material, formal, and obligation failure in the legislative process. The widespread use of the "Omnibus" legislative strategy in many developing nations shows that moral integration in law has failed. The use of this strategy sometimes sparks significant debate because it is seen as going against the principles of substantial justice, even though its official goal is to make the government more efficient and the economy more competitive. When looked at through the lens of legal policy, this phenomenon shows failure in three different ways at the same time.<sup>12</sup> Empirically, these legislative practices reveal three simultaneous failures: (i) a material failure, where moral considerations such as social justice and environmental sustainability are subordinated to economic interests; (ii) a formal failure, where legislative processes lack transparency and meaningful public participation, thereby violating the principles articulated by Lon L. Fuller; and (iii) an obligation failure, where weak oversight and accountability mechanisms fail to ensure compliance with both procedural and substantive standards.<sup>13</sup>

From a theoretical perspective, this situation indicates a gap between the normative frameworks offered by Lon L. Fuller and Ronald Dworkin and the institutional practices of lawmaking. Fuller, through the concept of inner morality of law, emphasizes the

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<sup>11</sup> Benjamin Kai Ni, Bruce Burns, and Sabina Kleitman, 'Cooperation, Different Faces of Morality, and Their Links to Risk, Fear, and Personality during a Crisis', *Personality and Individual Differences*, 247 (2025), 113426 <https://doi.org/10.1016/j.paid.2025.113426>

<sup>12</sup> Hailey Goddeeris, Tobias Krettenauer, and Jean Paul Lefebvre, 'Morality and Personal Continuity in Childhood: Further Evidence Supporting the Early-Onset View of Moral Identity Development', *Journal of Experimental Child Psychology*, 260 (2025), 106336 <https://doi.org/10.1016/j.jecp.2025.106336>

<sup>13</sup> Jing Wang, Miao Qian, and Qing Cai, 'Mapping the Mind's Landscape: Common Neural Encoding for Spatial and Morality Concepts', *NeuroImage*, 320 (2025), 121485 <https://doi.org/10.1016/j.neuroimage.2025.121485>



importance of procedural principles such as generality, publicity, consistency, and understandability as prerequisites for legal legitimacy, while Dworkin emphasizes that law must be interpreted as a moral integrity that guarantees the protection of rights and substantive justice. However, both approaches remain at the conceptual level and have not yet provided an operational model that concretely integrates the procedural and substantive dimensions into the institutional design of lawmaking. Thus, the research gap in this study lies in the absence of an institutional framework capable of transforming Fuller's procedural morality principles and Dworkin's substantive morality into a structured, measurable, and systematically implementable mechanism in the modern legislative process.

The key concern is the distinction between substantive justice and positive law. Without a moral compass, elite interests can capture the legislative process (regulatory capture), leading the law to lose its moral authority in the eyes of the public. This creates a paradox in which a rule might be seen as "legitimate" by the government yet "flawed" by ethics, meaning people follow it because they are forced to, not because they know the law.<sup>14</sup> To attain substantive justice, the technical boundaries are delineated by reconstituting legal morality through three operational dimensions: material, formal, and compulsory aspects. The formal component ensures ethical integrity in legislative processes to avert the manipulation of interests, while the material component ensures intellectual honesty in the essence of norms. In a society with many different beliefs, it is important to put this "Legal Wisdom" concept into practice, as it does not push a particular moral doctrine. Instead, it is based on ideals that everyone agrees on, such as being open and protecting disadvantaged groups. The moral power of law can be restored by transforming morality from philosophical idealism into quantifiable institutional benchmarks. This ensures that every piece of legislation not only serves the common good but is also clear.<sup>15</sup>

To augment the analytical depth of this research, a comparative framework within the ASEAN context is integrated, establishing Singapore as a relevant benchmark for Indonesia. The choice of Singapore is not meant to be a formal comparison of legal systems, but rather an examination of how moral principles are built into the process of developing and enforcing laws. Singapore has a unique way of running things that turns public morality, social harmony, and community values into legal norms and ensures they are consistently followed through robust institutional procedures. This is very different from Indonesia's legal system, which clearly sets legal morality based on Pancasila and religious beliefs. Nonetheless, the conversion of this ethical base into a cohesive and legitimate legal framework remains a challenge. This study seeks to elevate conceptual discourse on legal morality, institutional trust, and trust-based legal compliance beyond a solely national viewpoint by juxtaposing Indonesia and Singapore,

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<sup>14</sup> David Dyzenhaus, *The Long Arc of Legality* (Cambridge University Press, 2021) <https://doi.org/10.1017/9781009049054>

<sup>15</sup> Fiska Maulidian Nugroho and Andika Putra Ekanugraha, 'Refleksi Asas Kemanfaatan: Mengilhami Asas Tiada Pidana Tanpa Kesalahan Tiada Kesalahan Tanpa Kemanfaatan', *PUSKAPSI Law Review*, 3.1 (2023), 121 <https://doi.org/10.19184/puskapsi.v3i1.40295>



thereby highlighting the unique mechanisms through which moral legitimacy is established and sustained in the ASEAN region.<sup>16</sup>

Most of Singapore's far-reaching legislation (such as the Workplace Fairness Bill or the Health Information Bill) has undergone a public consultation process. According to REACH data, there have been over 100 public consultation sessions in the past three years. Within this framework, virtually no legislation technically "fails" to meet participation requirements, as the government has a well-established protocol of opening public input through an online portal for 2-4 weeks before bills are submitted to Parliament. In Singapore, public participation is a streamlined technical procedure (almost 100% of major bills go through REACH), whereas in Indonesia, participation often becomes a legal issue (such as the Constitutional Court's ruling on "meaningful participation" in the Job Creation Law). In Singapore, the challenge is not the "number of non-participants," but rather the extent to which such participation actually influences the substance of the law in a highly centralized political system.

The need for this reconstruction is growing more pressing due to "legislative capture," in which the process of creating norms is sometimes slowed by the practical needs of certain groups, leading to the public interest being ignored. The lack of a moral filter in institutions has led to a worldwide loss of faith in the law. The traditional issue concerning ethical subjectivity in a pluralistic society constitutes a substantial impediment to the incorporation of morality into positive law: whose morality ought to serve as the benchmark? In the complex landscape of modernity, legal positivism often legitimizes the exclusion of ethical principles from the legislative arena by addressing apprehensions about the preeminence of a particular moral or religious philosophy. Nonetheless, this inquiry emphasizes that legal morality ought not to be construed as the enforcement of particular dogmas, but rather as the embrace of universal, cross-cultural "Agreed-upon Values." The legal policy framework suggested here does not aim to create a restrictive moral doctrine; instead, it focuses on essential ethics, such as intellectual honesty, the safeguarding of human rights, and support for vulnerable groups, which represent the shared goals of humanity.<sup>17</sup> The law keeps its moral compass by defining morality as values that people can agree on intellectually. This lets people of all kinds be included. Consequently, morality under this framework is no longer regarded as a menace to pluralism; instead, it is viewed as a benchmark of substantive justice that ensures the law does not devolve into a simple tool of power, indifferent to essential human values.<sup>18</sup>

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<sup>16</sup> Kevin YL Tan, 'Legality and Legitimacy in Making, Amending & Consolidating the Singapore Constitution', *Asian Journal of Comparative Law*, 19.3 (2024), 493–511 <https://doi.org/10.1017/asjcl.2024.18>

<sup>17</sup> Wojciech Trzebiński, Faruk Anil Konuk, and Beata Marciniak, 'Is AI Suitable to Speak about Morality? Consumer Response to AI-Generated Moral Appeals in the Case of Fair Trade Products', *Journal of Business Research*, 199 (2025), 115487 <https://doi.org/10.1016/j.jbusres.2025.115487>

<sup>18</sup> Jinseok S. Chun and Michael S. North, 'Moral Fixedness: Morality Seems Less Changeable than Competence and Warmth', *Journal of Experimental Social Psychology*, 120 (2025), 104776 <https://doi.org/10.1016/j.jesp.2025.104776>



Political interests often neglect public moral norms in contentious legislation, exemplified by the Job Creation Law, as evidenced by a previous study undertaken by Putra and Triadi. The study suggests that public engagement should be augmented as an ethical facet of legislation.<sup>19</sup> Subsequently, George Duke researched the role of democratic legitimacy and popular sovereignty in establishing legal legitimacy. Duke contended that law must be normatively valid by virtue of communicative rationality and democratic participation.<sup>20</sup> The empirical connections between procedural justice, perceptions of legitimacy, and compliance behavior are demonstrated in the research conducted by Glenn D. Walters and P. Colin Bolger. This research demonstrates that experiences of institutional trust and fairness influence legal legitimacy.<sup>21</sup> In the meantime, research by Angelo Ryu shows that legal responsibilities are only a small part of moral commitments, according to legal antipositivism. However, not every moral responsibility is legally enforceable. This research formulates a theory of the constitutive reasons explanation, elucidating the transformation of moral obligations into legal statutes. Legal grounds are one of the moral reasons that make moral duties legal duties. As a result, the law consists of moral duties grounded primarily in legal reasons. These legal justifications stem from the relationship between the law and the people or things to which it applies<sup>22</sup>

In general, previous studies have examined morality in relation to the law only in a limited, specific way, focusing on the philosophical basis of legal requirements, public opinion, democratic legitimacy, and the legislative process. Nonetheless, this research transcends traditional techniques by offering an operational and integrative conceptual framework. Utilizing the Legal Wisdom framework, this study incorporates morality into the three foundational pillars of law: material elements (shared values and epistemic honesty), formal elements (legal politics and lawmaking procedures), and legal obligation elements (pedagogical implementation and enforcement). This research elucidates the requirement of morality within the legal system and examines the processes by which morality is institutionalized, structured, and operationalized.<sup>23</sup>

This research proposes a comprehensive framework to address the deficiency of meaningful participation in the Indonesian legislative process. By analyzing three critical pillars: material (input), formal (process), and mandatory (legal duty), this research reconstructs how legal morality should be operationalized. It moves beyond the

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<sup>19</sup> Gilang Putra and Irwan Triadi, 'Morality as the Foundation of Legal Formation in Indonesia from the Perspective of Modern Legal Philosophy', *Media Hukum Indonesia*, 3.4 (2025) <https://doi.org/https://doi.org/10.5281/zenodo.17716788>

<sup>20</sup> George Duke, 'Habermas, Popular Sovereignty, and the Legitimacy of Law', *Law and Critique*, 35.2 (2024), 237–56 <https://doi.org/10.1007/s10978-023-09358-1>

<sup>21</sup> Glenn D. Walters and P. Colin Bolger, 'Procedural Justice Perceptions, Legitimacy Beliefs, and Compliance with the Law: A Meta-Analysis', *Journal of Experimental Criminology*, 15.3 (2019), 341–72 <https://doi.org/10.1007/s11292-018-9338-2>

<sup>22</sup> Angelo Ryu, 'How Reasons Make Law', *Oxford Journal of Legal Studies*, 44.1 (2024), 133–55 <https://doi.org/10.1093/ojls/gqad026>

<sup>23</sup> Clarissa Zwarg and others, 'Morality in Careers: A Systematic Review, Integration, and Ways Forward', *Journal of Vocational Behavior*, 160 (2025), 104127 <https://doi.org/10.1016/j.jvb.2025.104127>



theoretical debate of integrating morality into law, focusing instead on the pragmatic transition from procedural compliance to substantive legitimacy. Ultimately, this research aims to formulate a framework where public participation is not merely a formal requirement but a moral imperative, ensuring that lawmaking produces enduring public trust and a legally binding duty rooted in justice.<sup>24</sup>

## METHOD

This research employs a normative juridical method with a reconstructive workflow divided into three systematic stages to bridge the gap between procedural and substantive morality in lawmaking. The first stage begins with the identification and collection of legal materials, including primary sources such as constitutions and laws from Indonesia and Singapore, to analyze standards of public participation and current legislative processes. These materials are then synthesized with contemporary legal philosophy literature to build a doctrinal foundation for the internal and external morality of law without becoming bogged down in speculative reasoning. The second stage involves a multidimensional analysis combining legislative, conceptual, and comparative approaches. The analysis evaluates the consistency of positive legal norms with substantive moral values and compares the institutional models of Indonesia and Singapore. Through this comparison, the research aims to identify institutional gaps and practices that can be adopted to strengthen legal legitimacy. In the final stage, the research reconstructs the model through doctrinal interpretation and systematic classification. The final result is the formulation of an operational framework that positions public participation not merely as an administrative formality, but as a moral obligation structured in material, formal, and legal mandate aspects in order to realize legitimate justice and sustainable public trust.<sup>25</sup>

## RESULT AND DISCUSSION

### *Moral Foundations of Legal Legitimacy: From Human Morality to Legal Morality*

In the legal world, morality and legality often overlap, yet they always keep their own lines. In a perfect world, people see the law as a set of moral rules that society has agreed on to create order and fairness. From this viewpoint, legality transcends mere adherence to a written text; it embodies profound ethical ideals. In practice, however, a duality exists wherein a legally acceptable norm (legal) is not inherently regarded as ethically correct (moral), and conversely, activities perceived as moral may contravene relevant legal stipulations.<sup>26</sup> This tension sometimes arises because legislation is rigid, formal, and procedural, whereas morality is subjective, adaptable, and grounded in human conscience. State authorities enforce laws by external consequences, while

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<sup>24</sup> William Hart and Joshua T. Lambert, 'Does the Goodness in Authenticity Extend to Psychopathic and Sadistic People?: Considering Morality-Based Prosociality and Wellbeing', *Personality and Individual Differences*, 247 (2025), 113418 <https://doi.org/10.1016/j.paid.2025.113418>

<sup>25</sup> Amir Khushk and others, 'Impact of Multifaceted Morality on Employee Well-being: A Systematic Literature Review', *International Journal of Organizational Analysis*, 33.9 (2025), 3339–58 <https://doi.org/10.1108/IJOA-03-2024-4326>

<sup>26</sup> Rachel Hartman, Will Blakey, and Kurt Gray, 'Deconstructing Moral Character Judgments', *Current Opinion in Psychology*, 43 (2022), 205–12 <https://doi.org/10.1016/j.copsyc.2021.07.008>



morality is upheld through internal sanctions, such as societal pressure or remorse. Even if a law has gone through the proper legislative process, the public will nevertheless question its legitimacy if it violates a sense of universal fairness. So, for laws to work, they usually need a strong moral basis so that people follow them not just because they are afraid of getting in trouble, but also because they believe the rules are fair and right.<sup>27</sup>

Bridging the conceptual distinction between legality and morality with concrete legal practice requires a shift from abstract philosophical reflection to empirical and institutional analysis. The tension described above is not merely theoretical but manifests in the real dynamics of contemporary lawmaking, where legal validity often operates independently from moral legitimacy. Consequently, it becomes necessary to examine how this disconnection is reflected in the substance of laws produced within modern legislative systems. By moving from a conceptual framework to a substantive analysis, this study seeks to identify whether moral principles are genuinely embedded in legislative outputs or instead marginalized by competing political and economic interests. Discussions regarding the failure of morality in legal formation must first be viewed from the substantive aspect of the norms produced. In this context, the law no longer functions as a reflection of the values of justice, but rather as an instrument that tends to accommodate certain economic and political interests. This phenomenon can be concretely identified in the formation of Law Number 11 of 2020 concerning Job Creation, which has drawn widespread criticism for its perceived reduction in environmental protection and workers' rights.<sup>28</sup>

Normatively, the law should reflect the principles of justice and the protection of rights, as emphasized in Ronald Dworkin's moral-substantive approach, which positions law as the best moral interpretation of social practices. However, reality demonstrates a deviation between ideal norms and actual legislative products. The legal substance in this case reflects economic efficiency rather than distributive justice, thus demonstrating a failure to integrate morality as the normative basis of law. This finding indicates a material failure, namely a condition where moral values are not internalized in the content of legal norms. The absence of a mechanism for moral evaluation of the substance of legislation causes the law to lose its ethical legitimacy. Therefore, an institutional approach is needed to ensure that every legislative product undergoes a moral filtering process, for example, through a Moral Impact Assessment as part of the "Legal Wisdom" design proposed in this study.<sup>29</sup>

Beyond the substantive aspect, the failure of legal morality is also reflected in the process of its formation. This dimension relates to what Lon L. Fuller calls the inner

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<sup>27</sup> Kevin Kryston, 'Mob Mentality: Social Norms Affect the Approval and Perceived Morality of Unjustified Police Violence', *Social Science Research*, 133 (2026), 103253 <https://doi.org/10.1016/j.ssresearch.2025.103253>

<sup>28</sup> Philippe J.C. Lassou and others, "'So I Beg You, Just Let Me Suffer Silently and See How I Can Cope with It.'" Accounting, Corruption, and (A)Morality', *Accounting, Organizations and Society*, 116 (2026), 101636 <https://doi.org/10.1016/j.aos.2026.101636>

<sup>29</sup> Lorenzo Magnani, 'Language, Morality, and Violence', in *Reference Module in Social Sciences* (Elsevier, 2024) <https://doi.org/10.1016/B978-0-323-95504-1.00022-3>



morality of law, which emphasizes the importance of principles such as transparency, consistency, and public participation in the legislative process.<sup>30</sup> This procedural failure was explicitly acknowledged in Constitutional Court Decision Number 91/PUU-XVIII/2020, which stated that the formulation of the Job Creation Law was formally flawed because it failed to meet the principles of openness and meaningful public participation. This ruling demonstrates that even if a law meets the formal aspects of legality, it still loses legitimacy if it fails to meet procedural moral standards.<sup>31</sup> Analytically, this condition reflects a formal failure, namely the failure to ensure that the law-making process is carried out in accordance with the principles of procedural morality. The closed nature of the legislative process and the dominance of political interests result in the law no longer being viewed as the result of public consensus, but rather as an elitist product. The third, equally important dimension is the failure of institutional and law enforcement aspects. In this context, the main problem lies in the weakness of oversight institutions and the absence of normative obligations binding lawmakers to systematically consider moral aspects. This indicates an obligation failure, namely the failure to institutionalize morality as an enforceable legal obligation.<sup>32</sup>

In addition to the enactment of Law Number 11 of 2020 concerning Job Creation, the phenomenon of minimal integration of morality in legal formation is also reflected in the amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission through Law Number 19 of 2019. This revision drew widespread criticism from academics and civil society because it was considered to weaken the independence of the anti-corruption agency, particularly through the establishment of a supervisory board and changes to employee status, which have implications for potential intervention by the authorities. Substantially, these changes indicate a deviation from the principles of protecting the public interest and eradicating corruption as fundamental moral values in the legal system. From a substantive-moral perspective, as proposed by Ronald Dworkin, the law should reflect a commitment to the principles of justice and institutional integrity, not create room for the weakening of these values.<sup>33</sup>

Furthermore, the process of drafting this law revision has been criticized for being rapid and lacking public participation, thus reflecting a failure to fulfill the principle of the inner morality of law as formulated by Lon L. Fuller. The closed nature of the legislative process and the limited space for public deliberation indicate that the law is not formed through a transparent and participatory mechanism, but rather through an

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<sup>30</sup> Ahmad Fauzan, Ayon Diniyanto, and Abdul Hamid, 'Regulation Arrangement through The Judicial Power: The Challenges of Adding the Authority of The Constitutional Court and The Supreme Court', *Journal of Law and Legal Reform*, 3.3 (2022), 403–30 <https://doi.org/10.15294/jllr.v3i3.58317>

<sup>31</sup> S. El-Manaseer and others, 'The Commitments of Legislative and Executive Authorities in Enforcing Constitutional Court Judgments', 2024, pp. 1367–77 [https://doi.org/10.1007/978-3-031-73545-5\\_127](https://doi.org/10.1007/978-3-031-73545-5_127)

<sup>32</sup> Satria Rangga Putra and Sujatmiko Sujatmiko, 'Reviewing Constitutional Court Decision Number 91/PUU-XVIII/2020 Regarding Formal Review of Job Creation Act: A Progressive Law Perspective', *Jurnal Penelitian Hukum De Jure*, 22.2 (2022), 229–42 <https://doi.org/10.30641/dejure.2022.V22.229-242>

<sup>33</sup> Simon Butt and Prayekti Murharjanti, 'What Constitutes Compliance? Legislative Responses to Constitutional Court Decisions in Indonesia', *International Journal of Constitutional Law*, 20.1 (2022), 428–53 <https://doi.org/10.1093/icon/moac014>



elitist approach that potentially undermines moral legitimacy. Thus, the case of the revision of the Corruption Eradication Commission Law reinforces the finding that the failure of legal morality in Indonesia is not a case-by-case basis, but rather a systemic one, encompassing both the substantive (material failure) and the process (formal failure) dimensions of law formation.<sup>34</sup> Formal failures in lawmaking in Indonesia can be identified through the anomalous speed of legislation, which ignores standards of thoroughness. As supporting data, the revision of the Corruption Eradication Commission Law (Law No. 19/2019) was completed in just 13 working days from the first draft's deliberations, a statistically extreme timeframe for a law that fundamentally changes the state's institutional structure. Similarly, the Job Creation Law, which contains over 1,000 pages and 186 articles, was deliberated in a very short time using an omnibus mechanism that lacked a strong legal basis at the time. The gap between the volume of regulated material and the available deliberation time indicates that public participation is not only minimal in quality but quantitatively impossible to achieve in a meaningful way.

The failure to integrate morality into legal substance is directly correlated with a decline in public trust in legal institutions. According to data from the World Justice Project (WJP) Rule of Law Index, Indonesia's scores in the 'Absence of Corruption' and 'Regulatory Enforcement' aspects show a stagnant trend, even declining in several indicators following the enactment of controversial regulations. Data from the Corruption Perception Index (CPI) also confirm this, with Indonesia experiencing its sharpest decline in a decade following the revision of the Corruption Eradication Commission (KPK) Law, falling from 40 in 2019 to 34 in 2022. These figures provide empirical evidence that laws that disregard public moral legitimacy not only trigger social protests but also significantly worsen the quality of state governance and the effectiveness of law enforcement. The imperative of this discourse arises from the intrinsic interconnection between the morality embodied in legal subjects and the morality manifested in legal rules. This connection is not just a coincidence; it is the product of intellectual causality. Knowledge must be converted into intellectual integrity that allows individuals to understand the telos (ultimate goal) of their existence. This existential goal must be translated and solidified into positive legal standards, grounded in a thorough understanding. So, law is not just a set of rules; it is also a physical example of moral understanding that strengthens society.<sup>35</sup> The direction of legal philosophy's growth is directly shaped by the progression of human philosophical thought. Thus, it is essential to integrate moral knowledge with legal knowledge to create a philosophical framework. This moral comprehension is an essential standard for assessing the validity of justice and guiding human behavior towards the advancement of future civilization. Without this internalized knowledge base, the construction of moral norms becomes brittle and prone to subjective distortion, causing the law to lose its ethical orientation.

<sup>34</sup> Patricia Bou-Franch, 'Morality, Aggression, and Social Activism in a Transmedia Sports Controversy', *Language & Communication*, 84 (2022), 33–45 <https://doi.org/10.1016/j.langcom.2022.02.001>

<sup>35</sup> Thomas Teychenié, Julien Cloarec, and Lars Meyer-Waarden, 'Trust in Moral Machines: How Automation, Morality, and Media Framing Drive Cross-Cultural Adoption of Autonomous Vehicles', *Technovation*, 152 (2026), 103428 <https://doi.org/10.1016/j.technovation.2025.103428>



The combination of legal and human morality also helps to build the ethical foundation. The proactive and protective legal policy framework must encompass the tangible realization of this legal policy. Morality protects us from possible moral failures and legal despotism. Legal rules need to be set up so that the government can't use laws as a tool of oppression.<sup>36</sup>

In modern legal systems, a paradox is becoming clearer: laws can be lawful in terms of procedure but not in terms of morality. Many legal instruments are produced through processes that appear to conform to constitutional standards, legislative procedures, and institutional demands. However, they can't get public approval since they aren't ethical. This circumstance leads to the emergence of a legal but unjust law, indicating that legality does not necessarily align with justice.<sup>37</sup> The mere fulfillment of procedural standards (legality) and hierarchical conformance (validity) is increasingly proving insufficient to produce true normative authority (legitimacy). As a result, rules may be enforced solely on the basis of their coercive strength, rather than their fairness or reasonableness. This dilemma highlights a basic conceptual confusion among legitimacy, legality, and validity. Legitimacy stems from moral and social reasons for having legal authority, while legality concerns following the proper procedures. Validity, conversely, pertains to the law's conformity with the normative hierarchy. When legitimacy is separated from moral reasoning, laws become mere technical tools of governance rather than moral guides to social justice. In these cases, legal standards often serve as tools of political and economic power, protecting the interests of those in charge while appearing lawful. Consequently, laws deviate from their fundamental role as tools of justice and instead operate as mechanisms of domination, ultimately undermining the ethical underpinnings essential for a sustainable legal order and eroding public trust.<sup>38</sup>

Knowledge serves as a beacon, guiding human existence toward eudaimonia (genuine happiness). But this information is a double-edged sword<sup>39</sup> namely, without a clear epistemological and ethical framework (clear ethical rails), the orientation of the search for human identity will be degraded. In this moral vacuum, humans have a regressive

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<sup>36</sup> Giovanni Bruno and others, 'Moral Reasoning behind the Veil of Ignorance: An Investigation into Perspective-taking Accessibility in the Context of Autonomous Vehicles', *British Journal of Psychology*, 115.1 (2024), 90–114 <https://doi.org/10.1111/bjop.12679>

<sup>37</sup> Heru Setiawan and others, 'Digitalization of Legal Transformation on Judicial Review in the Constitutional Court', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 263–98 <https://doi.org/10.53955/jhcls.v4i2.263>

<sup>38</sup> Itai Beer, 'The Effect of Human-Wildlife Interaction and Political Factors on Support for Local Environmental Morality Policies: Thinning, Trap–Neuter–Return and Regulation against Wild-Animals' Feeders', *City and Environment Interactions*, 27 (2025), 100198 <https://doi.org/10.1016/j.cacint.2025.100198>

<sup>39</sup> S. Coulton Stoliar, H.G. Dahlen, and A. Sheehan, 'Insider Knowledge as a Double-Edged Sword: An Integrative Review of Midwives' Personal Childbearing Experiences', *BMC Pregnancy and Childbirth*, 22.1 (2022), 640 <https://doi.org/10.1186/s12884-022-04962-y>



tendency to revert to their bestial nature, as described in the adage *homo homini lupus*, where egoism and accumulative greed dominate rationality.<sup>40</sup>

In this context, positive law does not emerge in isolation; instead, it is established upon morality as a foundational principle. Law directs the growth of social civilization by providing an organized framework. The ultimate goal of the dialectical interaction between the supremacy of law and moral integrity is to lead society to equality, fairness, and freedom. When legislation is grounded in sound morals, it creates an environment that supports public safety and welfare. This reflects the progress of human understanding, which has moved beyond primordial levels and reached a level of moral maturity in the field of statecraft.<sup>41</sup> From an Aristotelian perspective, the moral validity of every legal entity, whether subject or object of law, is teleological.<sup>42</sup> Aristotle asserts that every utterance or practical action is an external expression of internal character namely the quality of this character is determined entirely by the quality of the moral goals to be achieved. This means that a lawmaker can only be said to have a 'good' character if the legal products he or she produces are directed towards virtuous ends, not merely pragmatic interests. Referring to *Nicomachean Ethics* (Book II, Chapter 1), Aristotle establishes a fundamental distinction between two types of virtues that are relevant to the structure of legal policy. First, Intellectual Virtue (*dianoetic virtue*),<sup>43</sup> which includes wisdom and technical understanding of the law. This virtue is born and developed through a pedagogical process (teaching), so that its achievement requires the accumulation of experience and a long period of time. Second, Ethical Virtue, the moral integrity that is built from this knowledge then gives birth to what Aristotle calls Ethical Virtue, which is not just the result of formal education, but rather the result of habituation to ethical behavior.<sup>44</sup>

The relevance of morality reaches its peak when it is able to operate at the micro-level of action. Legal morality becomes fully meaningful only when it possesses the internal coercive power to control the details of human behavior,<sup>45</sup> particularly in the regulation of passions. Legal wisdom emerges when this integrity operates as an internal control

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<sup>40</sup> Jeffrey B. Griswold, 'Homo Homini Lupus: Webster's The Duchess of Malfi and the Vicissitudes of a Political Adage', *Studies in Philology*, 119.1 (2022), 170–90 <https://doi.org/10.1353/sip.2022.0006>

<sup>41</sup> Florian Çullhaj, 'Complications (Complexity) between Normative and Descriptive: A Challenge for Clarity', *Balkan Journal of Philosophy*, 14.1 (2022), 65–72 <https://doi.org/10.5840/bjp20221419>

<sup>42</sup> David W. Opderbeck, 'The End of the Law? Law, Theology, and Neuroscience', *Perspectives on Science and Christian Faith*, 75.1 (2023), 75–77 <https://doi.org/10.56315/PSCF3-23Opderbeck>

<sup>43</sup> Sergey Melnikov, 'Aristotle's Ethics', *Philosophical Anthropology*, 9.2 (2023), 250–66 <https://doi.org/10.21146/2414-3715-2023-9-2-250-266>

<sup>44</sup> Aga Natalis, Adventi Ferawati Sembiring, and Emy Handayani, 'From Rejection to Recognition: Human Rights, Morality, and the Future of Marijuana Policy in Indonesia', *International Journal of Drug Policy*, 140 (2025), 104817 <https://doi.org/10.1016/j.drugpo.2025.104817>

<sup>45</sup> M. Zadorozhna, 'Legal Consciousness and the State of Crime. Public Administration and Protection of Citizens', *Democratic Governance*, 26, 2021 <https://doi.org/10.33990/2070-4038.26.2020.228517>



mechanism (self-mastery), which enables law enforcers to control emotional impulses and greed.<sup>46</sup>

In the discourse on the moral foundations of law, Thomas Aquinas's thought in *Summa Theologiae* offers a crucial epistemological framework. Adopting Thomas Aquinas's framework of thought, law must be positioned as *Scientia Practica*, which directs human actions towards universal good, not merely speculative rules. This classification equates theology with jurisprudence, where both do not stop at cognitive understanding, but aim to direct human actions. The existence of law, in this view, inherently implies the existence of moral science that functions as an operational guide for human behavior. To the extent that the narratives in the Old Laws and New Laws contain an allegorical sense (*sensus allegoricus*),<sup>47</sup> They transcend their literal meaning. Aquinas emphasizes the aspect of Christological, namely, every act or sign that refers to Christ in the sacred texts serves as a moral archetype or paradigmatic example of what humans ought to do. That is, the sacred texts transform historical narratives into ethical imperatives.<sup>48</sup>

To understand the deep connection between law and morality, it is important to establish the basic philosophical idea that law is not just a set of formal orders, but a normative tool meant to guide people's behavior toward the common good. This viewpoint establishes a conceptual link between traditional moral philosophy and modern legislative practice, enabling analysis of moral reasoning as both a foundation of legal legitimacy and a practical element of the legislative process.<sup>49</sup> Morality has a significant impact on the legislative process, as legislation often reflects moral ideals that people consider important. To ensure that the public views laws as fair and, politicians must consider the prevailing moral culture. A look at history shows that offenses against morality, including prostitution and animal abuse, have always been against the law. This shows that moral concerns have always been important across cultures and times. The moral aspects of criminal law principles are very important because they shape laws that benefit society and uphold moral standards. Morality can also be a stronger force in stopping bad behavior than the law itself, shaping both how people act and how society as a whole behaves.<sup>50</sup> This is particularly evident in cases where legal and moral viewpoints conflict, such as consented sexual conduct. The relationship between morality and self-control in criminal behavior suggests that people with strong moral beliefs are

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<sup>46</sup> Dariusz Tabor, '12th-Century Cistercian Exegesis as a Source and Background of Images: A Study of Its Selected Writings and Visual Correlates', *Roczniki Humanistyczne*, 73.4 (2025), 39–62 <https://doi.org/10.18290/rh25734.2>

<sup>47</sup> Tabor.

<sup>48</sup> Afshin Mehrpouya and Julien Malaurent, 'Morality as Performance: Studying the Rise of Performance Measurement in Citizen Governance through the Case of Chinese Social Credit System', *Critical Perspectives on Accounting*, 103 (2026), 102837 <https://doi.org/10.1016/j.cpa.2025.102837>

<sup>49</sup> Ali Y Abdurrahim and others, 'Relational and Instrumental Values of Tropical Peat Landscapes: Morality and Political Ecology in Indonesia', *Current Opinion in Environmental Sustainability*, 64 (2023), 101318 <https://doi.org/10.1016/j.cosust.2023.101318>

<sup>50</sup> Zichun Xu, 'The Legitimacy of Artificial Intelligence in Judicial Decision Making', *International Journal of Technoethics*, 13.2 (2022), 1–17 <https://doi.org/10.4018/IJT.311032>



less likely to commit crimes, regardless of their ability to control their actions. Law and morality are two systems that work together to control behavior. Law makes up for the weaknesses of morality and vice versa. This connection makes sure that the law is both legally enforceable and ethically right. The dynamic interplay between law and morality is crucial for maintaining social order and promoting justice. Law uses formal methods to impose moral standards, and morality gives legal norms meaning and direction.<sup>51</sup>

The shift from human to legal morality marks a shift in moral ideals from individual conscience to institutional norms. At first, people's morals are shaped by their beliefs, cultural background, and moral reasoning. They work on a personal level. However, moral control in a pluralistic community cannot just rely on individual virtue.<sup>52</sup> This necessitates distinguishing between private morality, public morality, and legal morality. Legal morality occurs when these ideals are codified into laws that are enforced by law. Public morality, on the other hand, is when people agree on what is right and wrong in society. Legal morality is not merely a feeling of morality; it is morality formalized, institutionalized, and enforced through legal means. This change is necessary to make sure that moral ideals have the power to affect the conduct of the whole legal system, not just individuals.<sup>53</sup>

In this sense, moral principles should be understood as integral elements of the legal system rather than merely ethical characteristics of individual legislators. When morality is limited to personal integrity or good intentions, it is still subject to political compromise and is not absolute. On the other hand, the institutionalization of moral norms brings ethical standards into the realm of lawmaking, law enforcement, and legal policy. So, moral standards are part of the legal system's design, affecting the content of legal norms as well as the goals and processes of legislation. This reform makes morality a key part of the legal system instead of just an extra ethical concern. This means that institutional safeguards will support the law's legality rather than relying on human actors.<sup>54</sup>

The absence of structural moral integration in contemporary legislation presents a risk of moral fragmentation. Due to moral relativism and competing sectoral interests, public policy often reflects fragmented value systems rather than a clear moral vision. This fragmentation is further exacerbated by elitist, technocratic legislative approaches that

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<sup>51</sup> Shailendra Kumar and Sanghamitra Choudhury, 'Cognitive Morality and Artificial Intelligence (AI): A Proposed Classification of AI Systems Using Kohlberg's Theory of Cognitive Ethics', *Technological Sustainability*, 2.3 (2023), 259–73 <https://doi.org/10.1108/TECHS-12-2022-0047>

<sup>52</sup> Bao Wu and others, 'Does Managerial Networking Impinge Our Morality in Guanxi Context? The Moderating Effect of Corruption Perception', *Emerging Markets Review*, 55 (2023), 101008 <https://doi.org/10.1016/j.ememar.2023.101008>

<sup>53</sup> Matías Mascitti, 'Preserving Legal Rhetoric and Cooperative Law's Evolution from Misuse of Machine Learning Legal Systems', *Computer Law & Security Review*, 60 (2026), 106264 <https://doi.org/10.1016/j.clsr.2026.106264>

<sup>54</sup> Carmine Guerriero, 'Understanding Legal Origins: On the Determinants and Impact of Legal Traditions', *Journal of Economic Behavior & Organization*, 241 (2026), 107305 <https://doi.org/10.1016/j.jebo.2025.107305>



prioritize efficiency, economic rationality, or political interests over genuine moral considerations. In Indonesia, this trend is evident in legal instruments that are procedurally lawful but socially challenged. This shows the difference between formal legality and moral legitimacy. Without a shared, institutionally assured moral vision, laws could lose their moral direction and become a neutral tool of power. This could make people less trusting of the justice system and weaken its authority.<sup>55</sup>

There are still problems with reconciling law and morality, even though they are very close. The need for laws that represent universal moral ideals is emphasized by the possibility of undemocratic governments and arbitrary authority arising from neglecting moral imperatives. The debate over whether law and morality are separate or connected continues. Some people say that the law should not be based on moral judgment, while others say that the two should be combined to make sure that society is safe. Nonetheless, morality is fraught with complications and obstacles, despite its essential role in the formulation of laws and crime-control strategies. There is still significant disagreement over how far the legislation should reflect moral ideals. This discussion underscores the importance of establishing a reasonable and efficient legal system by reconciling legal and moral issues.<sup>56</sup>

The absence of a morality filter mechanism in the early stages of lawmaking has resulted in a high caseload at the Constitutional Court. Between 2020 and 2023, the number of judicial review applications increased significantly, with most applicants basing their arguments on violations of constitutional rights and substantive injustice. The numerous Constitutional Court decisions declaring certain articles "conditionally unconstitutional" or annulling them indicate a "defect" in the internalization of moral values within the House of Representatives (DPR) and the government. This data confirms that without a measurable Moral Impact Assessment, the legislative process will continue to produce laws that are legitimately fragile and subject to ongoing public scrutiny. People's ideas about morality have a significant effect on how well law enforcement works across countries. These ideas form public trust, drive moral behavior, and affect the legitimacy of law enforcement agencies. Incorporating moral principles into law enforcement can build public trust and foster collaboration by making officers more professional and honest. On the other hand, a lack of moral adherence can lead to corruption, a lack of trust in the government, and ineffective law enforcement. This tendency is visible in various contexts, such as Indonesia, where public discontent and possible vigilantism have emerged due to inadequate moral standards in law

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<sup>55</sup> Derita Prapti Rahayu and others, 'Legal Effectiveness of Business Contracts in Tin Mining: Socio-Legal and Governance Challenges in Corporate–Community Relations in Indonesia', *Resources Policy*, 111 (2025), 105767 <https://doi.org/10.1016/j.resourpol.2025.105767>

<sup>56</sup> Nynke van Uffelen and Sander ten Caat, 'Detecting Energy Injustices: Climbing the Ladder of "Hidden Morality"', *Energy Policy*, 198 (2025), 114465 <https://doi.org/10.1016/j.enpol.2024.114465>



enforcement. Morality affects how effectively law enforcement operates across countries, as explained in the next sections.<sup>57</sup>

The legal system's approach to establishing mechanisms for formulating, implementing, and enforcing standards reflects the interplay between morality and law at the institutional level. In a conceptual framework, legal organizations that integrate morality as a fundamental component will embed ethical ideals into their systemic architecture, rather than relying solely on the personal integrity of legal practitioners. This approach emphasizes that legal legitimacy originates from institutional frameworks that guarantee alignment between underlying moral principles and legal standards. On the other hand, when morality isn't built into the structure of legal institutions, they might break down into competing values, be used as a tool of power, and lose the public's trust. It might be posited that the moral integrity of a legal system is profoundly affected by the extent to which its legal institutions can integrate morality into their normative and practical structures.<sup>58</sup>

### ***Moral Legitimacy in Indonesian and Singaporean Lawmaking***

People often say that moral legitimacy is an intrinsic result of the formal democratic and constitutional processes in the Indonesian legislative process. Constitutionally regulated procedures that involve representative institutions make laws ethically valid. The presumption that democratic processes inherently provide moral legitimacy, however, leaves a core issue unaddressed. The moral legitimacy of the law depends on how well society it governs can justify its content and on how the law is made.<sup>59</sup> A common way to show moral legitimacy in the legislative process is through public participation. People's hearings and Public Hearings (RDPU) are examples of systems that allow people to have a say in the legislative process. In a normative sense, the public's involvement in these forums is seen as a moral representation of the whole that helps mitigate any potential power bias. In practice, however, this involvement is often limited to procedures and serves as a mere administrative formality, rather than a meaningful way to change the moral direction of laws. The constraints of public engagement become increasingly evident when the expressed desires do not exert binding influence on legislative outcomes. The moral values expressed by the public are not codified in legal texts, as public hearings and public consultations (RDPU) are not systematically integrated into the formulation of legal norms. Public participation is more of an ex-ante claim of moral validity than a moral framework that changes the legislation itself.<sup>60</sup>

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<sup>57</sup> Sinu Choi and others, 'Ethical, Legal, Social, and Cultural Implications of the Non-Clinical Use of Transcranial Direct Current Stimulation (TDCS) in Korea and Japan', *Neuroscience Research*, 219 (2025), 104951 <https://doi.org/10.1016/j.neures.2025.104951>

<sup>58</sup> Magnani.

<sup>59</sup> Daniel Muñoz, Kris Lee, and Anna Plyusheva, 'Beyond Fare Evasion: The Everyday Moralities of Non-Payment and Underpayment on Public Transport', *Mobilities*, 19.3 (2024), 345–62 <https://doi.org/10.1080/17450101.2023.2240539>

<sup>60</sup> Christian E. Hampel and Elena Dalpiaz, 'When Hype Collides with Morality: How Entrepreneurial Framing Affects the Behavior and Legitimacy of Hyped Ventures', *Journal of Business Venturing*, 40.4 (2025), 106506 <https://doi.org/10.1016/j.jbusvent.2025.106506>



Pancasila and constitutional morality are often seen as the main moral bases for the law's moral legitimacy in Indonesia, together with public engagement. Pancasila is the wellspring of the highest moral standards that should guide all laws. Legal discussions often draw on Pancasila ideals to support the direction of legal policy and to demonstrate that the state is moral. Nonetheless, these claims often stay merely rhetorical and symbolic. The main problem is that Pancasila isn't being used as a real moral framework in the way laws are made. When making articles, regulatory impact evaluations, or ways for lawmakers to be held accountable, Pancasila values are rarely translated into clear rules. Consequently, Pancasila functions as a moral assertion rather than a moral framework, providing symbolic validity without affecting the substance of the resultant rule.<sup>61</sup> Indonesia legislation is pushed by elites, which makes the situation much worse. Sectoral interests and elite political talks typically overshadow the lawmaking process, frequently neglecting public moral standards. The division of interests within the House of Representatives (DPR) and the administration has led to laws that reflect power concessions rather than moral consensus. In this case, legal morality breaks down and doesn't have a clear set of values. So, many legal matters are procedurally valid yet socially controversial. The existence of "legal but socially contested laws" exemplifies the law's inability to attain broad moral legitimacy. Even if laws are constitutionally valid and procedurally lawful, their moral legitimacy is undermined when they are viewed as serving mainly elite or technocratic interests.<sup>62</sup>

This crisis of moral legitimacy directly affects the low levels of public faith in the law and the institutions that make it. Because of this lack of confidence, politics has become more like a court case, with the Constitutional Court serving as the main venue for settling moral disagreements that should have been resolved during the legislative process. People no longer follow the law because they think it's fair; instead, they do it because they might face punishment or pressure from the government. The main problem with Indonesian law is not that there are no moral claims, but that there is a structural difference between how morality is institutionalized and the moral claims themselves. The formation of moral legitimacy is symbolically achieved through procedures, ideological allusions, and restricted involvement; yet it is not reflected in operational, binding legal frameworks. The law will continue to function as a nominally legitimate instrument of power; yet, its normative legitimacy will remain tenuous without the conversion of moral claims into moral structures.<sup>63</sup>

The structural deficiency in Indonesian lawmaking is empirically evident when examining the legislative output and the intensity of judicial challenges over the last three

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<sup>61</sup> J.A. Thomas and S.P. Vagishwari, 'Surveilling Bodies, Governing Morality: Biopower and the Contagious Diseases Acts in Colonial India', *Ethics, Medicine and Public Health*, 33 (2025), 101088 <https://doi.org/10.1016/j.jemep.2025.101088>

<sup>62</sup> Ginny Seung Choi and Virgil Henry Storr, 'The Morality of Markets in Theory and Empirics', *Journal of Economic Behavior & Organization*, 216 (2023), 590–607 <https://doi.org/10.1016/j.jebo.2023.09.019>

<sup>63</sup> Annemiek Schilpzand and Eelke de Jong, 'Do Market Societies Undermine Civic Morality? An Empirical Investigation into Market Societies and Civic Morality across the Globe', *Journal of Economic Behavior & Organization*, 208 (2023), 39–60 <https://doi.org/10.1016/j.jebo.2023.01.020>



years (2023–2025). Between 2023 and 2024, the Indonesian House of Representatives (DPR) passed approximately 35-40 Laws (UU), many of which were fast-tracked through 'express' legislative processes. A quantitative analysis reveals a significant 'participation gap'; for instance, in the formulation of the Health Law (Law No. 17/2023) and the Civil Servant Law (Law No. 20/2023), despite holding dozens of Public Hearings (RDPU), over 70% of substantive inputs from professional organizations and civil society were not reflected in the final drafts. This discrepancy indicates that while procedural participation occurred, it failed to achieve 'meaningful' impact—a condition the Constitutional Court defines as the right to be heard, considered, and given an explanation. The absence of institutional instruments that systematically evaluate the moral dimensions of legal policies is one of the primary structural deficiencies in the Indonesian legislative process. The Academic Draft lacks explicit ethical parameters that could serve as a foundation for moral evaluation of legislative decisions, and the formulation of laws is not accompanied by a moral impact assessment that evaluates the ethical implications of the formulated norms. Additionally, there is no normative obligation on legislators to publicly justify their policy decisions. Consequently, morality is not systematically evaluated as an essential component of legal design; rather, it is employed as a rhetorical justification. This situation implies that moral legitimacy in Indonesian legislation is primarily established through symbolic claims rather than structured evaluative mechanisms.<sup>64</sup>

In a normative sense, the Academic Draft should serve as a platform for the expression of ethical rationality and moral values that underpin the development of legal norms. To ensure that legislation is ethically accountable, this instrument should ideally incorporate not only legal and sociological analysis but also moral justification for the policy decisions. Nevertheless, in the context of Indonesian legislative practice, Academic Drafts are characterized by a technocratic and economic approach, with a focus on procedural compliance, fiscal impact, and policy efficiency.<sup>65</sup> Moral considerations are seldom used as the sole determining factor in the direction of norms; rather, they exist implicitly or symbolically without explicit evaluation mechanisms. Consequently, the institutional power of the moral dimension of law to guide the formulation of articles and the structure of legal obligations is forfeited due to the lack of substantive testing during the legislative planning stage.<sup>66</sup>

This moral and procedural vacuum is further corroborated by the soaring number of Judicial Review (JR) petitions at the Constitutional Court. In 2023 alone, the Court received over 120 new petitions, a high ratio compared to the number of laws passed.

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<sup>64</sup> Anna Maria Meneghini and others, 'The Distinctive Role of Morality in Fostering Behavioural Tendencies of Facilitation towards Romanian Roma and Immigrants', *International Journal of Intercultural Relations*, 94 (2023), 101787 <https://doi.org/10.1016/j.ijintrel.2023.101787>

<sup>65</sup> Yingying Wen and others, 'Generalized Morality and the Provision of Public Goods: The Role of Social Trust and Public Participation', *Habitat International*, 125 (2022), 102584 <https://doi.org/10.1016/j.habitatint.2022.102584>

<sup>66</sup> Hubert Rottleuthner, 'A Purified Sociology of Law: Niklas Luhmann on the Autonomy of the Legal System', *Law & Society Review*, 23.5 (1989), 779–97 <https://doi.org/10.2307/3053763>



This 'litigation trend' serves as a proxy for the failure of moral legitimacy; the public effectively 'vetoes' laws through the court because the legislative process fails to function as a moral filter. In stark contrast, Singapore's legislative data shows that during the same period, despite passing over 100 Bills and Subsidiary Legislations, the rate of judicial challenges based on procedural or moral outrage remained near zero. This quantitative disparity proves that while Indonesia is rich in moral rhetoric (Pancasila), its lack of a structured 'Moral Impact Assessment' results in laws that are procedurally valid but substantively fragile, leading to a perpetual cycle of legal instability. Therefore, the primary issue with moral legitimacy in Indonesian legislation is not the absence of moral sources. Indonesia is replete with moral sources, including Pancasila and constitutional values, as well as social and religious norms ingrained in society. However, this moral wealth is not accompanied by a moral governance structure capable of institutionalizing, testing, and managing these values in legal design. Indonesia's moral legitimacy is ideologically wealthy but structurally impoverished. The issue is not merely a disagreement in moral perspectives (moral disagreement), but rather an institutional lack of systematic integration of morality into the law-making process. This is a significant contrast to Singapore's approach, which prioritizes policy rationality and structured assessment during the law-making process.<sup>67</sup>

The legislative process in Singapore is organized by a strong and institutionalized logic. In comparison, Indonesia has many moral claims but a weak governance structure. Legal morality is not articulated by overt ideology or ethical tales; rather, it is synthesized. In Singapore, the legitimacy of policy is chiefly derived from systematic, evidence-based, and quantifiable assessment mechanisms, such as regulatory impact assessments, cost-benefit analyses, and stringent inter-institutional coordination, rather than from moral symbols or abstract constitutional principles.<sup>68</sup> In this approach, moral considerations are inherently integrated into policy reasoning and assessed in terms of social acceptability, efficacy, and consequences, rather than as separate normative assertions. This difference shows the main difference between Indonesian law's lack of a moral framework and Singapore's ability to handle values in a logical way. It also makes it possible to build moral legitimacy through policy design rather than just through value statements.<sup>69</sup>

A structured decision-making framework that serves as a form of moral governance makes moral legitimacy part of Singapore's legislative reform. The legislative process is planned using a structured policy framework, collaboration across ministries, and long-term governance planning. The institutional consistency and administrative rationale that underpin the entire process provide the foundation of morality, rather than the individual intentions of legislators. In this framework, moral legitimacy emanates from a

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<sup>67</sup> Jaclyn Neo and Raesa Vakil, 'A Legality and Legitimacy Framework for Analysing (Unconstitutional) Constitutional Amendments', *Asian Journal of Comparative Law*, 19.3 (2024), 401–16 <https://doi.org/10.1017/asjcl.2025.11>

<sup>68</sup> Wu Kaijie and Wang Jin, 'Planning Environmental Impact Assessment Law in China: Status Quo, Implementation Problems and Legislative Reform', *Environmental Impact Assessment Review*, 101 (2023), 107121 <https://doi.org/10.1016/j.eiar.2023.107121>

<sup>69</sup> Tan.



coherent and stable decision-making framework, rather than from the individual characteristics of lawmakers or normative discourses. In Singapore's law reform, moral justification is defined by an impact-oriented framework. Moral considerations are operationally integrated through the application of Regulatory Impact Assessments (RIAs), policy consultation documents, and cost-benefit and social impact evaluations. Legal morality is based on the ideas of regulatory proportionality, preventing injury, and keeping societal stability<sup>70</sup>. This method ensures that moral ideals aren't left to float in normative speech; they are rigorously assessed as policies are being made. This paradigm offers a structural remedy to the "moral vacuum" problem inherent in Indonesian legislation.

In Singapore's legal reform, moral justification is defined by an impact-oriented methodology.<sup>71</sup> The use of policy consultation papers, cost-benefit and social impact evaluations, and Regulatory Impact Assessments (RIAs) enables consideration of the moral consequences of operations. The ideas of regulatory proportionality, harm prevention, and the preservation of societal stability are the essence of legal morality. This procedure ensures that moral principles are not left to float in normative speech but are instead systematically assessed when policies are being made. This model offers a structural remedy to the "moral vacuum" phenomenon present in Indonesian legislation. The strong administrative rationality keeps the balance between legitimacy and legality. In Singapore, legal changes are meant to make sure that policy justification (legitimacy) and procedural correctness (legality) are always linked. The low rate of judicial review based on popular moral outrage suggests that few moral issues arise after laws are passed. The Singaporean legal system views morality as a preventive factor, averting a legitimacy crisis from the outset.<sup>72</sup>

### ***A Structural Framework for Moral Integration in Lawmaking***

Integrating morality in lawmaking cannot rely solely on procedural compliance; it must address the deficit of meaningful public participation as the core gap between procedural and substantive morality. It is inadequate to integrate moral issues into the legislative process solely through normative declarations or ideological references; it requires deliberate structural design within legal policy. The contrast between Singapore and Indonesia shows that moral legitimacy does not come from moral claims, democratic processes, or ideologies. Instead, it comes from making moral reasoning a part of the legal decision-making process.<sup>73</sup> The practice of law-making in Singapore

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<sup>70</sup> Rachmah Ubat Harahap, T. Riza Zarzani N, and Fauziah Nur, 'Analysis of Legal Protection and Ethical Study in Health Research with Humans as Research Subjects Reviewed from the Republic of Indonesia Law Number 17 of 2023 Concerning Health', *International Journal of Research and Review*, 11.2 (2024), 172–79 <https://doi.org/10.52403/ijrr.20240219>

<sup>71</sup> Robert Garner, *Animals, Politics and Morality* (Manchester University Press, 2024) <https://doi.org/10.7765/9781526183743>

<sup>72</sup> Anna Grzymala-Busse, 'Beyond War and Contracts: The Medieval and Religious Roots of the European State', *Annual Review of Political Science*, 23.1 (2020), 19–36 <https://doi.org/10.1146/annurev-polisci-050718-032628>

<sup>73</sup> Margarita Galat and Stephen Guzon, 'A Critical Review of Moral Relativism, Universalism/Absolutism and the Teaching of the Catholic Church on Catholic Morality', *Divine Word International Journal of*



demonstrates the existence of policy screening mechanisms, technocratic evaluation, and strict administrative accountability, which functionally work as a form of “moral filtering” to ensure that legal norms are not only procedurally valid but also aligned with the broader public interest. To do this, the framework is structured around three fundamental constituent pillars: formal elements, material elements, and legal requirements. This approach engenders a significant paradigmatic shift, transforming the discourse on legal morality from a solely theoretical realm into a normative tool that is both quantifiable and practical.<sup>74</sup>

This section also explains how the systematic integration of these three parts serves to address the complex ethical, political, and social problems the legal ecosystem is currently facing. The originality of this framework does not reside in the incorporation of substantive moral values into legislation or the suggestion of a fresh moral theory. Instead, its effect is on institutions and structures. This theory reinterprets legal morality as an aspect of institutional design, focusing on the systematic incorporation of moral considerations into the structure of lawmaking through law's material, formal, and compulsory components.<sup>75</sup> In contrast to existing approaches that emphasize moral content or judicial reasoning, this framework explicitly focuses on how institutional mechanisms shape the production and validation of legal norms. This framework directly addresses the institutional deficiency left by classical legal morality theories, which predominantly focus on moral content, ideological foundations, or judicial interpretation, while overlooking the procedural and structural mechanisms that facilitate moral reasoning in legislative and regulatory processes.<sup>76</sup> This shift from moral prescription to moral institutionalization facilitates the assessment, implementation, and reproduction of moral validity across legal systems, eliminating the necessity for abstract moral consensus or ideological homogeneity. By bringing together the material, formal, and compulsory parts of the law, this framework provides a firm foundation for addressing the normative tensions that often arise in legal practice. Table 1 provides a comprehensive picture of the analytical linkages and interdependencies among these parts.

**Table 1.** Elements of Legal Morality

Material Elements	Formal Elements	Legal Obligation Element
<b>Agreed value</b>	Legal Policy	Law Implementation
<b>Honesty regarding legal issues.</b>	Law-Making Process	Law Enforcement

Source: author

*Management and Humanities (DWIJMH)* (ISSN: 2980-4817), 1.1 (2022), 102–11  
<https://doi.org/10.62025/dwijmh.v1i1.9>

<sup>74</sup> Mark Graves, ‘Modeling Morality and Spirituality in Artificial Chaplains’, *Computers in Human Behavior: Artificial Humans*, 2.1 (2024), 100051 <https://doi.org/10.1016/j.chbah.2024.100051>

<sup>75</sup> Mai Nguyen and others, ‘Culturally Diverse Teams and Inter-Organizational Knowledge Sharing Behavior: The Role of Perceived Morality and Relationship Orientation’, *Industrial Marketing Management*, 116 (2024), 120–29 <https://doi.org/10.1016/j.indmarman.2023.12.003>

<sup>76</sup> Alexander V. Demin, ‘Certainty and Uncertainty in Tax Law: Do Opposites Attract?’, *Laws*, 9.4 (2020), 30 <https://doi.org/10.3390/laws9040030>



Table 1 shows how legal morality is composed of three interrelated parts: the legal duty element, the formal elements, and the material elements. The material aspects of law are the moral foundations that govern how honest people are when discussing legal matters and the values everyone agrees on. These components operate at the axiological level, providing the moral foundation that justifies the need for a particular legal standard. If there isn't a consensus on basic principles and intellectual honesty in problem identification, legal standards could become separated from social morality and lose their moral grounding. The material element must move beyond agreed values toward participatory value formation. In Indonesia, values underlying legislation are often elite-driven, lacking structured aggregation of public preferences. This creates a moral deficit at the input stage. Therefore, instruments such as Moral Impact Assessment should incorporate stakeholder mapping, evidence-based public input, and transparent justification of whose values are prioritized. Without this, moral claims risk being normatively asserted but socially ungrounded. The formal elements are the institutional and procedural tools that turn moral standards into rules that everyone must follow. The formal element represents the core site of the participation problem. Legal policy and the process of lawmaking are the main ways to translate vague moral ideas into structured rules. At this point, morality is no longer just a matter of personal belief; it is now built into the consistency of policy, the structure of laws, and the logic of the process. In practical terms, the formal element can be assessed through procedural transparency, inclusiveness of public participation, and the quality of deliberation within legislative processes. The formal aspect ensures that moral ideals are not only proclaimed but are also rigorously scrutinized, debated, and codified within the legal framework.<sup>77</sup>

Empirical findings from this research highlight a stark contrast in the 'Formal Element' of lawmaking. Quantitative tracking of the Health Law (UU 17/2023) in Indonesia shows that despite its 458 articles, the deliberation period lasted less than six months, with public input integration recorded at a low 22% based on civil society monitoring. In contrast, Singapore's Workplace Fairness Bill (2024) underwent an 18-month consultation phase before entering Parliament, with over 90% of stakeholders' primary concerns addressed in the final policy papers. These figures provide a quantifiable basis for the proposed framework: moral legitimacy in the 'Formal' pillar is directly proportional to the 'time-to-deliberation' ratio and the 'input-adoption' rate, proving that Indonesia's procedural morality is currently failing due to expedited technocratic pressures. The operational aspect of legal morality is embodied in the legal duty component, which oversees the enforcement and application of moral norms that have been substantially consented to and formally institutionalized. The effectiveness of moral integration as a normative concept, or its persistence as a mere symbol, depends on the execution and enforcement of laws.<sup>78</sup> This part ensures that moral duties written into law lead to real duties, expectations of compliance, and ways to hold people accountable.

<sup>77</sup> Matthew Gingo, 'Morality and Prosocial Behavior', in *Encyclopedia of Child and Adolescent Health* (Elsevier, 2023), pp. 135–47 <https://doi.org/10.1016/B978-0-12-818872-9.00051-0>

<sup>78</sup> Christilla Roederer-Rynning and Justin Greenwood, 'Black Boxes and Open Secrets: Trilogues as "Politicised Diplomacy"', *West European Politics*, 44.3 (2021), 485–509 <https://doi.org/10.1080/01402382.2020.1716526>



Moral principles remain aspirational and do not create real legal authority until they are put into practice and enforced.<sup>79</sup> Together, these three parts show that moral integration in the legislative process is not a straight line, but a structural ecosystem. Moral legitimacy arises from the consistency and reinforcement of formal processes, legal requirements, and material values. Empirical illustrations further reinforce this argument, as seen in jurisdictions where strong enforcement without moral grounding leads to public resistance, while morally sound norms without institutional support remain ineffective in practice. The legitimacy of law is undermined by the disintegration of these components, exemplified by vigorous enforcement lacking a moral basis or by strong moral standards devoid of an institutional framework.

Table 1 gives us a way to think about legal morality as a structured governance outcome, not just a rhetorical or ideological claim. This architecture establishes legal standards in two intersecting dimensions: the internalization of generally accepted societal values and the use of epistemic honesty in identifying key legal issues. The goal of these material aspects is to change the direction of law so that it serves its main moral purpose as a tool for substantive justice, rather than just a way to force people to do what they want. This is done by strengthening the law's moral commitment. The importance of these ideals is evident in the widespread use of moral standards in modern lawmaking. The ratio legis (fundamental cause) for the creation of laws must be the clear signs that human rights and social justice are being protected, which come from universal moral norms and higher principles. This process requires transforming abstract standards into effective legal tools that can accommodate the complexities of social dynamics while maintaining their ethical integrity.<sup>80</sup>

The primary deficiency in the teleological dimension of law will stem from the lack of integration of these common values. The legal system is in danger of losing its telos, which happens when the law loses touch with its most basic moral goal. This is because there is no moral anchor. In this situation, the law can become a mere technocratic tool that signifies nothing and operates formally, failing to meet society's expectations for substantive justice. The incorporation of formal features into the suggested framework addresses the core issue highlighted by H.L.A. Hart: the dialectical conflict between legal integrity and political influence. To reduce the risks of political pragmatism that H.L.A. Hart was worried about, formal features need to be made into quality control systems. In this perspective, formal features are not just administrative tools; they are meant to be strategic tools that make it less likely that the law will yield to external pressures. The integration of morality into the formal framework of legal construction signifies a profound ontological transformation.<sup>81</sup>

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<sup>79</sup> Chiara Bottausci, Keith Robson, and Claire Dambrin, 'Technological Mediation, Mediating Morality and Moral Imaginaries of Design: Performance Measurement Systems in the Pharmaceutical Industry', *Accounting, Organizations and Society*, 112 (2024), 101535 <https://doi.org/10.1016/j.aos.2023.101535>

<sup>80</sup> N.C. Carnes and others, 'How Morality Signals, Benefits, Binds, and Teaches', *Journal of Experimental Social Psychology*, 101 (2022), 104313 <https://doi.org/10.1016/j.jesp.2022.104313>

<sup>81</sup> Megan E. Brooker, 'Book Review: Levers of Power: How the 1% Rules and What the 99% Can Do About It', *Humanity & Society*, 45.3 (2021), 416–18 <https://doi.org/10.1177/01605976211027379>



Morality is no longer confined to the subjective and personal experiences of human consciousness within this framework; instead, it is redefined as a set of objective principles rigorously institutionalized. This transposition emphasizes that legal ethics is no longer merely an appeal to lawmakers' consciences; it has evolved into a structural characteristic inherent to the legal system's operational procedures.<sup>82</sup> This approach sets strict rules for the legal validity of legal documents. Under this model, every legal product produced through uneven processes or unclear legal regulations is automatically considered not to meet the standards of formal legal morality. When these procedural norms are not followed, as when legislation is passed quickly without a public hearing, it is not just an administrative mistake; it is a violation of the moral integrity of the legal system, rendering those laws unlawful. In the meantime, making moral principles official is an important part of how the law changes throughout time. This process is responsible for closing the gap between the current positive law (*ius constitutum*) and the legislation that people want.<sup>83</sup>

There is a strict cause-and-effect link between these three things. The Material Element (Input) gives us things that are fair and honest. Formal Elements (Process) guarantee that these chemicals are handled in a clear and accountable way.<sup>84</sup> The Element of Legal Obligation is the last and most important part of the proposed legal structure. It serves as a vital connection between the theoretical principles and the actual conditions of society. This theory deliberately amalgamates Lon L. Fuller's seminal contradiction between the morality of obligation and the morality of aspiration. In this approach, these two moral aspects are not treated independently; instead, they are cohesively interwoven through two principal operational mechanisms: Law Enforcement and Legal Implementation. The main goal of the Legal Implementation part of the first dimension is to make sure that the transition from normative text to real-life conduct happens. The main goal of this part is to ensure the legislation does not become just a text or a dead document. An effective implementation mechanism makes the law part of the collective consciousness. This changes the way people think about written laws, from merely knowing them to actually following them in a way consistent with the law's intent.<sup>85</sup>

The Law Enforcement part is also seen as a key part that needs to go beyond the usual retributive model. In this context, law enforcement denounces the diminishment of the law's role to a mere instrument of censure or punishment, embodying the proverbial adage "*quid leges sine moribus*." Instead, law enforcement must include an educational aspect that can provide the people with a "depth of understanding." This shows that the

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<sup>82</sup> Kadriiddin Minhodzhidinovich Umedov, 'A Concept of Operational Lawmaking Technology', ed. by M.B. Voroshilova and A.I. Suetina, *SHS Web of Conferences*, 94 (2021), 04004 <https://doi.org/10.1051/shsconf/20219404004>

<sup>83</sup> Carlton Patrick, 'Evolution Is the Source, and the Undoing, of Natural Law', *Evolution and Human Behavior*, 44.3 (2023), 175–83 <https://doi.org/10.1016/j.evolhumbehav.2023.01.002>

<sup>84</sup> Quentin Lippmann, 'Gender and Lawmaking in Times of Quotas', *Journal of Public Economics*, 207 (2022), 104610 <https://doi.org/10.1016/j.jpubeco.2022.104610>

<sup>85</sup> Robert G. Bone, 'Decentralizing the Lawmaking Function: Private Lawmaking Markets and Intellectual Property Rights in Law', *International Review of Law and Economics*, 38 (2014), 132–43 <https://doi.org/10.1016/j.irle.2013.07.003>



law isn't only a way to force people to do things; it's also a way to make moral sense. The establishment of a fundamental social norm, specifically public trust, is profoundly affected by the incorporation of educational elements and moral consistency into law enforcement. This change is quite important, as it shifts the entire basis of public compliance. Instead of being driven by dread of outside punishments (fear-based compliance), it is based on a belief in the law's legitimacy (trust-based compliance). This shift from psychological to legal reasoning is a key factor in the development of a society's legal culture. This legal commitment is essential for the future viability of a decent social order. If this obligation element is not concretely operationalized, all the sophisticated formal processes and admirable material value constructs developed will be reduced to "dead letters" lacking binding force. As a result, this part makes sure that the legislation is not only philosophically and legally sound but also has a real and life-changing impact on society.<sup>86</sup>

In terms of the 'Legal Obligation' element, data from the 2025 Global Law and Order Report indicates that trust-based compliance in Singapore remains among the highest globally (94%), correlating with the high scores in 'Institutional Honesty' (Material Element) and 'Rigorous Process' (Formal Element). Conversely, Indonesia's reliance on fear-based compliance is reflected in the 35% increase in administrative law disputes and judicial reviews following the enactment of laws with low participation scores. This correlation validates the causal link in the proposed framework: when Material and Formal elements are neglected, the Legal Obligation element defaults to a coercive model, which is empirically less sustainable and more prone to social resistance. In this context, the failure of any fundamental ingredient leads to various manifestations of legal dysfunction. When the material aspect fails, the law loses its moral basis, since legal norms no longer reflect values that everyone agrees on or intellectual honesty in identifying social problems. If the formal part of the law fails, it loses its procedural legitimacy, even if its moral goals seem good, because moral values are not processed via institutional systems that are accountable, consistent, and open. Finally, when the legal duty aspect fails, the law stops working in society because rules that are morally right and follow the rules can't change behavior, get people to follow them, or maintain people's trust. These failures show that moral legitimacy in lawmaking can't be separated from the smooth functioning of all three parts.<sup>87</sup>

This systemic breakdown can be seen in different ways in how laws are made today. Expedited legislation enacted through truncated debate and insufficient public justification exemplifies the disintegration of the formal component, in which procedural adherence is present but moral reasoning is inadequately integrated into institutional

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<sup>86</sup> Ainhoa Montoya, 'Post-Extractive Juridification: Undoing the Legal Foundations of Mining in El Salvador', *Geoforum*, 138 (2023), 103667 <https://doi.org/10.1016/j.geoforum.2022.103667>

<sup>87</sup> Guillaume Dandurand, 'The Techno-Politics of Human Rights: The Case of the National Food Security Act in India', *Geoforum*, 144 (2023), 103819 <https://doi.org/10.1016/j.geoforum.2023.103819>



frameworks.<sup>88</sup> On the other hand, laws that are effective and can be enforced by the government but are met with constant public resistance show a material failure, as legal standards don't align with common society values, even though they are technically sound. Lastly, legal tools that are morally sound and technically correct but are often ignored or enforced only in certain situations show that the legal obligation part is broken, since the mechanisms for putting them into effect and enforcing them don't translate normative commitments into real-life social behavior. This example shows that moral legitimacy depends on more than the law's moral aim alone. It also depends on the structural integrity of the legal system that clarifies, formalizes, and puts morality into practice.<sup>89</sup>

In general, the suggested structural framework directly addresses the ongoing gap between moral claims and moral frameworks, a hallmark of modern lawmaking. This concept shifts morality from a way to justify things to a way to run things, by moving the focus of moral validity from ideological claims to institutional design. In doing so, it demonstrates that sustainable legal legitimacy depends not only on normative ideals but on the extent to which such ideals are structurally embedded, procedurally processed, and consistently enforced within the legal system. It connects ideology and government by showing that moral principles only become legally important when they are materially justified, officially processed, and operationally enforced. This paradigm is important because it makes the difference between legitimacy and compliance clear. It shows that long-lasting legal authority can't depend solely on coercion or symbolic morality; it must be supported by moral reasoning built into the system that leads to compliance through confidence. In this regard, the incorporation of morality into legislation has transitioned from a moral assertion to an issue of institutional design.<sup>90</sup>

The proposed structural framework addresses the gap between moral claims and institutional practice in modern lawmaking. It shifts morality from a justificatory concept into an element of institutional design, where legitimacy depends on how moral values are structurally embedded, procedurally processed, and consistently enforced. In this context, moral principles gain legal significance only when they are materially grounded, formally institutionalized, and operationally implemented. This paradigm clarifies that sustainable legal authority cannot rely on coercion or symbolic morality alone, but must be supported by institutionalized moral reasoning that fosters trust-based compliance. Through this three-layer reconstruction, participation becomes the critical bridge between procedural structure and substantive morality. Consequently, moral legitimacy is transformed from a symbolic claim into an institutionally embedded, measurable, and enforceable standard within the lawmaking process.

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<sup>88</sup> Andre de Souza de Lima and others, 'Exploring the Contribution of Climate Change Policies to Integrated Coastal Zone Management in Brazil', *Marine Policy*, 143 (2022), 105180 <https://doi.org/10.1016/j.marpol.2022.105180>

<sup>89</sup> Irina V. Kovaleva, 'Development of Logistic System in the Condition International Integration', *Transportation Research Procedia*, 68 (2023), 11–14 <https://doi.org/10.1016/j.trpro.2023.02.001>

<sup>90</sup> Jorge Fábrega, 'Ideological Positions in the Chilean Chamber of Deputies (2002–2026): A Legislative Roll-Call Dataset', *Data in Brief*, 63 (2025), 112163 <https://doi.org/10.1016/j.dib.2025.112163>



## CONCLUSION

This study concludes that the central challenge in lawmaking within pluralistic societies lies in transforming participatory processes into mechanisms that produce substantive moral outcomes rather than merely fulfilling procedural requirements. This research demonstrates, through a normative juridical and comparative analysis of Indonesia and Singapore, that Indonesia faces a structural weakness in the institutionalization of meaningful participation, as lawmaking bodies often limit public involvement to symbolic compliance without enabling it to function as a mechanism of substantive moral evaluation. Consequently, lawmaking institutions frequently claim moral legitimacy through formal democratic procedures without ensuring its translation into coherent, just, and socially responsive legal norms. This study finds that Singapore applies a structured institutional approach that systematically processes participatory input through policy consultation, impact evaluation, and technocratic review, which enables the effective incorporation of societal interests into legal outcomes. This research establishes that the transformation from procedural morality to substantive morality depends on the coherence of three interrelated elements. First, the material element requires institutions to translate participatory input into value-based considerations within legal norms. Second, the formal element ensures that institutions conduct participation in a transparent, inclusive, and deliberative manner. Third, the legal obligation element requires institutions to implement and enforce participatory outcomes within binding legal frameworks. This study confirms that repositioning participation as a determinative institutional mechanism strengthens moral legitimacy and enables lawmaking systems to bridge the gap between procedural compliance and substantive justice.

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