

Theme: John Rawls' Concept of Justice As Fairness and Its
Relevance to the Meaning of Pancasila Social Justice

John Rawls' Concept of Justice As Fairness and Its Relevance to the Meaning of Pancasila Social Justice

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ABSTRACT

The concept of justice based on justice John Rawls and its relevance to the meaning of social justice in Pancasila. Rawls' theory of "Justice as Fairness" emphasizes distributive justice and equal fundamental rights for all individuals. While Pancasila, as the basic philosophy of Indonesia, contains the principle of social justice that upholds equality, common welfare, and mutual assistance. The relationship between these two concepts can be seen from several aspects; 1) Emphasis on distributive justice: Both prioritize fair and equitable sharing of resources in society. Rawls through the principle of difference, while Pancasila through the fulfillment of basic needs and the elimination of economic inequality. 2) Equal fundamental rights: Both recognize the fundamental rights of individuals universally, such as the right to life, liberty, and security. Pancasila embodies it through the precepts of Just and Civilized Humanity. 3) Respect for social harmony: Both emphasize the importance of balance and justice to achieve mutual stability and prosperity. Pancasila through the precepts of the Indonesian Union aspires to a society that is united, harmonious, and helps each other. However, there are also differences that need to be observed; 1) Focus on individuals vs. communities: Rawls focuses on justice for individuals, while Pancasila places more emphasis on justice for society as a whole, where the role of mutual aid and solidarity is important. 2) The context of a plural society: Pancasila, born out of the reality of Indonesia's diverse society, requires social justice that accommodates ethnic, religious, and cultural differences. Thus, the concept of justice based on justice John Rawls, although not entirely identical, offers relevant perspectives to enrich the meaning of social justice Pancasila. This can inspire fairer public policies, more equitable distribution systems, and practices that continue to be relevant in the modern era.

Keywords: Justice Based on Justice, John Rawls, Pancasila, Social Justice, Basic Rights, Social Harmony

1. Introduction

Interpreting justice is something very complicated and complex, because it will always rely on the concept of right or wrong, good or bad, objective and subjective. Scholars also define justice differently; Some define justice as giving equal shares, while others define justice as placing something in its rightful place. The complexity and complexity of interpreting justice along with the difficulty in efforts to interpret law as part of achieving justice, this is because law is abstract, very broad in scope and covers all human fields.

The concept of social justice is a fundamental and complex philosophical problem in a pluralistic society. This justice links deeply to basic aspects of human life, including respect for the dignity of individuals in diverse communities. It depends not only on the attitude or behavior of the

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individual, but also the structure of political, economic, cultural, and religious processes that give proper respect to each individual and group. When human rights, both as individuals and groups, are fairly ignored, they can result in an affront to human dignity.

Social justice is complex because it deals with various dimensions of human life. Humans as multidimensional beings have their own uniqueness in building a just and civilized society. The large number of aspects that must be considered in fair decision making causes the emphasis on one aspect can produce certain philosophical views. Liberalism, for example, focuses on respect for individual dignity, while socialism focuses more on respect for human dignity as part of a community. An unbalanced approach to aspects of human life can be a weakness when understanding the concept of social justice in social life.

H.L.A. Hart explains that the hallmark of justice and its special relationship with the law begins to emerge if we observe that most of the criticisms made in fair and unfair reviews are almost as biased as fair. Therefore, fair and unjust are more specific forms of moral criticism than good and bad or right and wrong, evident from the fact that we may logically claim that a law is good because it is just, but we do not claim that it is unjust because it is good, or unjust because it is bad.

When discussing the idea of justice, experts in philosophy, law, economics, and politics around the world will inevitably refer to various theories that have been proposed by John Rawls in one of his works "*A Theory of Justice*" he has presented insightful views on the concept of justice.

Rawls' theory of justice, offering both an alternative and a blow to the idea of utilitarianism, Rawls believed that justice could not be ignored, even in order to improve the well-being of as many people as possible, but also about ensuring that individual rights were respected and that social and economic inequalities were regulated so as to provide the greatest benefit to the most disadvantaged in society.

John Rawls' theory of justice was introduced through his famous book entitled "*A Theory of Justice*" published in 1971. This theory became one of the most influential theories of justice in political philosophy and ethics. Rawls' theory of justice introduced the conception of "*justice as fairness*" rooted in the social contract theory of John Locke and Rousseau and Kant's *deontology*. Rawls wanted to expand the concept of justice by relating it to the theory of the social contract found in the thought of Locke, Rousseau, and Kant.

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant. In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; They specify the kinds of social cooperation that can be entered into, and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness.

John Rawls used the concept of the social contract to explain ethical principles, especially those based on Kant's thinking about rational autonomous choice, with the view that the principles of justice and ethics generally derive from the rational decisions of individuals within the social contract. This means that in his theory of justice, Rawls sought to establish a foundation or foundation that could be understood and rationally accepted by individuals, as Rousseau and Kant's thought continued in their philosophical thought.

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Rawls' main goal was to combine and develop this concept of the social contract to provide a procedural interpretation similar to Kant's concept of autonomous choice as the basis of ethical principles. In other words, Rawls wanted to explain how the principles of justice can be produced through a process that is fair and acceptable to all parties in society. He saw the social contract as a tool to achieve this end.

That before John Rawls' works on social justice appeared, Indonesia had based the principle of national and state life on the concept of social justice. This is evidenced by the mention twice of the term "social justice" in the Preamble to the 1945 Constitution. Social justice is recognized as one of the main cornerstones of the state's goals (*staatsidee*) and state philosophy (*filosofische grondslag*), especially reflected in the fifth precept of Pancasila. Thus, the founder of Indonesia from the beginning has made efforts to realize social justice a foothold, both for the benefit of citizens and in the global context.

2. Results And Discussion

The Concept of Justice As Fairness in John Rawls' Theory of Justice

Most philosophers from around the world agree that the monumental and scholarly works of John Rawls have contributed to ideas that will continue to be discussed in the realm of philosophy. These works have ideas of cross-disciplinary thinking that trigger serious attention from various circles, ranging from economic practitioners, legal experts, political experts, sociology observers, to theological activists. Because of the uniqueness and depth of his thought, Rawls' scientific work looks different when compared to other contemporary philosophers. So it is not uncommon for both experts and court judges in various countries to take Rawls' ideas as the main reference, not least in Indonesia.

Rawls' major works began circulating in the early 1950s which spread in various well-known international scientific journals. Some of these widely known articles include "*Two Concepts of Rules*" (Philosophical Review, 1955), "*Constitutional Liberty and the Concept of Justice*" (*Nomos VI*, 1963), "*Distributive Justice: Some Addenda*" (Natural Law Forum, 1968), "*Some Reason for the Maximin Criterion*" (American Economic Review, 1974), "*A Kantian Conception of Equality*" (*Cambridge Review*, 1975), and "*The Idea of an Overlapping Consensus*" (*Oxford Journal for Legal Studies*, 1987).

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With regard to social contract theory, Rousseau explained that social contracts are executed on the basis of agreement for certain purposes necessary to preserve or sustain the original state of man, because for Rousseau, without it all human life would perish. John Locke's social contract theory, then, was based on his belief that every human being naturally lives freely, independently and independently. The universe in which humans live is a place that truly gives perfect freedom to all individuals. No one who submits to the will of others loses what he has. There is no power and authority that overcomes each other and the responsibility for safeguarding it all is vested in the executive power. The transfer of power from individuals to executive power is the basis of the social contract.

Rawls developed the theory of justice as an alternative to utilitarianism, which prioritizes maximum welfare for the vast majority of people, even if it means sacrificing fewer individual rights or interests. Central to Rawls' theory of justice are two main principles of justice: 1) *The First Principle of Justice*; The First Principle of Justice states that every individual has equal rights to the most important foundations of life, such as the right to political liberty and the right to just economic and social arrangements. 2) *This principle consists of two subprinciples*: a) *The Principle of Equal Opportunity*: The *Equal Opportunity* Subprinciple emphasizes the importance of providing equal opportunities for all individuals to achieve a higher social and economic position; and b) *The Difference Principle* enabling economic inequality if it benefits the most disadvantaged in society.

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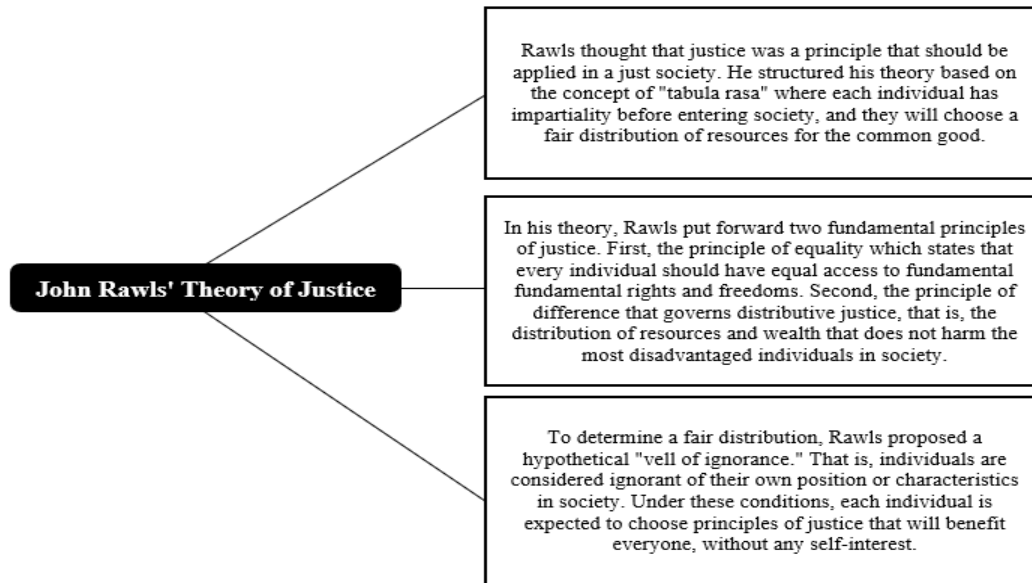


Figure 1. John Rawls' Theory of Justice

The first principle, freedom, tries to divide between those aspects of the social system that define and guarantee the freedom of citizens and those aspects that demonstrate and confirm socio-economic differences. Just as the freedom of citizens is political freedom (the right to vote and be elected to public office) along with freedom of speech and association; freedom of belief and freedom of thought; one's freedom goes hand in hand with the freedom to defend property (personal). This freedom by the first principle is required to be equal, because the citizens of a just society have the same basic rights.

The second principle is concerned with the distribution of income and wealth as well as with the design of organizations that use differences in authority and responsibility, or chains of command. While the distribution of income and wealth need not be equal, a society that applies the second principle by making its positions open to all, subject to these restrictions, will regulate socio-economic differences in such a way that everyone benefits.

The rationale of the two principles of justice from Rawls is based on the conception of "justice as fairness" as a framework for formulating principles of justice for the structure of a just society. Rawls explained that in order to create a just society structure in the sense that neither party has a higher position between one another, the conception of "justice as fairness" must be used as the main basis for the contract of community justice in the formation of the social contract.

3. Conclusion

Through Agency theory, this theory aims to ensure that companies always apply the principles and components of corporate governance structures effectively in order to prevent information asymmetry which can lead to capital costs. The implementation of GCG can have a very good impact on the sustainability of the company as previously explained in the results section, namely: objective financial information, which can be used as a company evaluation, transparency and accountability, and can be used as a reference for good decision making for the survival of the company.

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In this research, GCG and information asymmetry have been explained theoretically and based on a review of previous research literature regarding the influence of GCG and information asymmetry and their impact on Cost Capital, the application of GCG plays an important role in anticipating the emergence of cost capital so that a company can implement GCG in accordance with the provisions. applicable, as well as information asymmetry can have an impact on the size of cost capital so it is necessary to minimize and avoid information asymmetry which can give rise to cost capital problems in a company.

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