

Validity Of The Divine Value In The Phrase "In The Name Of Justice Based On The One Supreme Divine Being": (The Dialectic Of Hans Kelsen's Pure Theory Of Law And The Transcendental Paradigm Of Law)

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Abstract

This study analyzes the dialectics between Hans Kelsen's Pure Theory of Law and the transcendental legal paradigm in interpreting the validity of law in Indonesia. According to Kelsen, a norm derives its validity from a higher norm within the Stufenbau des Recht hierarchy, culminating in the Grundnorm, without reliance on morality, politics, or religion. However, in the Indonesian context, legal validity does not rest solely on formal legality but also gains transcendental legitimacy through Pancasila as the basic norm, particularly its first principle of Belief in One Almighty God. This dimension finds juridical manifestation in the phrase "For Justice Based on the Belief in the One and Only God" as inscribed in every judicial decision. The research employs a normative legal method with a philosophical approach. The analysis shows that Kelsen's positivism, which emphasizes the autonomy of law from external values, undergoes correction within Indonesia's legal system. The theological phrase in judicial rulings is not a mere formality but an ethical and prophetic foundation that underscores the judge's responsibility not only in a legal-formal sense but also spiritually before God. Consequently, this study implies that the Indonesian legal system offers an alternative to Kelsenian positivism by integrating transcendental and ethical dimensions into legal validity. This integration reinforces the notion that law in Indonesia cannot be fully understood through positivist logic alone but must also consider divine and moral accountability as intrinsic sources of legitimacy. Practically, this perspective encourages the development of a jurisprudence that balances procedural certainty with spiritual and moral responsibility, shaping a distinctive model of transcendental legal philosophy within the global discourse of legal theory.

I. Introduction

Explaining law as a legal science must be separated from objects of explanation that are not related to law. This is a response to the development of modern legal science, especially in the 19th and 20th centuries, which has strayed far from a comprehensive explanation of law, with many uncritically combining law with elements such as psychology, politics, ethics, and sociology (Darmini, *et al.*, 2021).

The system of norms in the legal system is essentially dynamic. A legal norm does not derive its validity from its moral and political content, but rather because it is formed in accordance with the procedures established by the legal system itself. Thus, the validity of a norm cannot be questioned simply because it is considered contrary to certain values, because its basis of validity lies in the fact that the norm was created through a legitimate legal mechanism (Hans, 1961).

Basic norms in a legal system are postulated as fundamental rules that determine the validity or invalidity of the formation and cancellation of norms within that system. Law is thus always understood as positive law, because its validity depends on human actions that create and abolish norms through certain procedures, regardless of morality or natural law. The fundamental difference with natural law lies in the basis of its validity: positive law derives from concrete and procedural basic rules, while natural law is deduced from abstract principles of reason or natural will. Therefore, the content of any norm can obtain validity as long as it is created in accordance with the form, procedures, and rules specified in the applicable legal system (Rice).

Hans Kelsen, through *his Pure Theory of Law*, asserts that law should be understood as an autonomous system of norms, independent of external influences such as morality, politics, or sociology. According to him, the validity of law is not determined by moral or ideological content, but by the position of the norm in the hierarchy of norms (*Stufenbau des Recht*), with the constitution as the highest norm. Thus, law is positioned as an objective and neutral order that functions to regulate social relations formally, without being influenced by subjective values that are particular in nature (Nur and Ananda, 2024).

The significance of Kelsen's thinking is evident in the positivist legal tradition, which emphasizes the importance of legal certainty and consistency in the application of norms. The formalistic and neutral approach as proposed by Kelsen is highly relevant in the context of a

pluralistic society, as it reduces the potential for political and moral bias in legal practice. Therefore, *Pure Theory of Law* is not only valuable as a theoretical construct in legal philosophy, but also serves as a practical foundation in the administration of justice and the formulation of legal policy, especially in ensuring legal stability and certainty amid complex social dynamics (Helmi, 2020).

Although this combination is understandable given that the above elements are closely related to law, out of respect for the methodology of legal science, it is necessary to eliminate other elements outside of law when explaining legal questions.

Limiting or clearing the definition of law from these fields does not mean that we ignore their interrelationships, but rather to avoid the merging of different disciplines with different methodologies (methodological syncretism), which has the potential to obscure the essence of legal science and eliminate clear boundaries in each of its main subjects (Hans, 2016).

The above argument is based on Hans Kelsen's Pure Theory of Law. According to him, purging legal science of various foreign elements is the goal of his theory, as well as its methodological foundation. This theory forms the basis for the application of positive law in various legal jurisdictions, including Indonesia. For most legal scholars, Hans Kelsen is considered the 'grandfather' of positive law in Indonesia. How could he not be, given that his theory has had such a profound influence on the character of our legal system (Mahfud, 2011). One example is the hierarchy of legislation, which has been influenced by Hans Kelsen's *Stufenbau Theory* (Adji Samekto, 2019).

One of the arguments developed by Kelsen in his theory, particularly in his discussion of the validity of norms, is that the validity of a norm within a legal system is not determined by something meta-juridical such as God or nature, but rather by other higher norms (Abdul, 2023). This argument is consistent with his initial argument, namely that of the purity of law, which calls for the separation of explanations of the essence of law from elements outside of law, including elements related to divinity (Hans, 2016).

Based on the simple explanation of Hans Kelsen's theoretical principles above, this study attempts to examine the consistency of this theory in its application, using its application in Indonesia as a case study.

We have simply understood the meaning and purpose of Hans Kelsen's pure theory of

law, but on the one hand, we are also aware that in Indonesia, the role of the divine aspect is almost as important as Hans Kelsen's theory in positive law.

For Indonesian society, which includes—to borrow Hans Kelsen's terminology—authorities empowered to create valid norms, divine values are very important and even serve as guidelines for social life. Thus, divine values must also be taken into account in the formation of norms within the positive legal system.

One example of the influence of divine values in Indonesia's positive legal system that we can observe is the encouragement of a judge's spiritual responsibility in deciding cases so that they are fair in accordance with the justice intended in divine values. The purpose of this principle is that a judge, in deciding a case, will not only be responsible in court, but also before God (Samuel, 2019). This principle is then concretely and positively (in writing) incorporated into every court decision in Indonesia, which we will find in the form of the phrase "In the Name of Justice Based on the One Almighty God." (Mahfud, 2011)

Explaining law as a legal science must be conducted within the boundaries of its own methodological framework, distinct from non-legal disciplines. This principle, as emphasized by Hans Kelsen through his *Pure Theory of Law*, responds to the tendency of modern legal studies to conflate law with psychology, politics, ethics, and sociology (Darmini et al., 2021). For Kelsen, law must be understood as an autonomous system of norms (*Stufenbau des Recht*), in which each norm derives its validity from a higher norm, culminating in the *Grundnorm* (Hans, 1961). The validity of a legal norm is therefore formal and procedural—determined by its accordance with the legal system's established procedures, not by its moral or political content. Thus, the Indonesian legal paradigm reveals a dialectical correction to Kelsenian positivism. While Kelsen rejects meta-juridical sources such as divine authority in determining legal validity (Hans, 2016; Abdul, 2023), Indonesia integrates these transcendental values as part of its legal philosophy. The inclusion of divine accountability in judicial reasoning demonstrates that the law in Indonesia is not only formally valid but also spiritually legitimate. Consequently, this study argues that the Indonesian legal system represents a synthesis between Kelsen's *Pure Theory of Law* and the transcendental legal paradigm. The validity of law in Indonesia is dual in nature—procedurally valid within the positivist framework and substantively legitimate through divine values—establishing a unique model of *transcendental positivism* that harmonizes modern legal rationality with spiritual ethics

2. Research Method

This study uses a normative legal research approach. Normative legal research places

law as a system of norms. The system of norms referred to here consists of principles, norms, rules, and legal doctrines as a system related to a legal event. In addition to using a normative legal approach, this study also uses a philosophical approach because it is intended to examine the dialectic of Hans Kelsen's pure legal theory and the transcendental legal paradigm.

3. Results and Discussion

a. Normative Validity

In his analysis of the basis of norm validity or the reasons for the validity of norms, Hans Kelsen begins by asking an introductory question: why can a norm apply, and what are the reasons for its applicability? To answer this question, as well as to begin his analysis of norm validity, Kelsen eliminates the possibility of answers that are often considered to be the answers to this question (Hans Kelsen).

Previously, it was commonly accepted that a norm was valid—had binding properties; actions must refer to that norm—if it was consistent with factual human behavior. This is in line with the principle that an action is right or wrong based on experience of a reality that occurs repeatedly.

However, according to Hans Kelsen, norms are not statements about reality that can be explained simply in terms of "right" and "wrong" if we refer to the above understanding. Thus, the validity of norms cannot be imagined as a form of confirmation of reality or fact, namely by ensuring a statement that something *exists* (Adji Samekto).

In his further explanation, Kelsen provides an interesting illustration to explain that in our daily lives we often validate a norm based on facts. For example, a statement that "we are forbidden to kill because God forbids it in the 10 commandments" or "you must go to school because your father commands it." At first glance, both statements are valid based on their respective facts. It is a fact that God forbids killing and a father has ordered his child to do something. However, according to Kelsen, these statements only "appear" to be the basis for the validity of norms. In fact, the basis for the validity of a norm is determined by other norms, from which the first norm is derived (Jimly, 2024). We will borrow an illustration from Kelsen to explain the above statement. We accept the statement "we must not kill" as a valid norm because this norm originates from the norm "we must obey God's commandments." The first statement is valid as a norm because it originates from the norm in the second statement, which is general

in nature. Meanwhile, the second statement is valid as a norm because it is a final norm whose validity lies in the norm itself (*self-evident*) (Ibid).

According to Kelsen, the validity of the norm in the second statement, which is general in nature, is a norm that is postulated to be valid because its truth no longer needs to be proven by other norms. This means that this norm becomes the highest norm, on which all norms below it are based. Thus, the only basis for the validity of a norm can be the applicability of another norm; the basis for the validity of a norm is always a norm, not a fact. From this statement, Kelsen has eliminated "facts" as a possible answer to the question of the reasons for the validity of norms (Hans Kelsen).

In a more practical analysis, namely the application of legal positivism, Kelsen says that the validity of a norm is not determined by its conformity with a moral or political value that is more factual in nature, namely referring to experience of reality. Rather, its validity is declared because the norm has been created by a certain authority that has been given the power to form norms by a higher norm, and it is created according to certain rules and only according to those rules (Ricca and Indah, 2020).

b. Basic Norm

Hans Kelsen explains that the validity of a legal norm does not stand alone, but always relies on the validity of higher norms in a hierarchy of norms. Thus, a norm is said to be valid not because its content is in accordance with moral values or political considerations, but because it derives its legitimacy from the norms above it. This pattern of relationships forms a hierarchical legal structure (*Stufenbau*), in which each norm derives its binding force from a higher norm, culminating in the constitution as the basic norm. However, the explanation of the validity of norms cannot be seen as an endless explanation; it must stop at a point that is both the final foundation and the ultimate reason for the validity of the entire normative system. This search must stop at one norm that is assumed to be the last and highest. This final foothold is a norm whose validity cannot be derived from a higher norm, which is why Kelsen refers to it as the basic norm (*grundnorm*) (Dyah and A'an, 2021).

Because basic norms are the ultimate point of reference for normative systems, where there are no other norms that validate the validity of basic norms, it is important for us to understand that the validity of basic norms is not determined by other norms. Kelsen states that basic norms

are valid because they are postulated to be valid in and of themselves. Furthermore, according to him, the validity of the basic norm cannot be questioned, therefore it is valid not because it originates from a higher norm. The basic norm is the source of validity for all norms within the same normative order (Jimly, 2024). Since the validity of the basic norm is not determined by the existence of other norms, but rather by the assumption that the norm is valid in itself without having to be proven, the formation of the basic norm certainly cannot be imagined in the same way as the formation of other specific norms, namely through legal procedures by a legal authority or organ.

According to Kelsen, the existence of basic norms must be postulated because they cannot be "deduced" or, in other words, basic norms cannot be created by an authority whose competence in forming norms derives from higher norms (Hans Kelsen). Thus, the only possible path to the validity of basic norms is to assume that they are valid in themselves. Kelsen even adds that a norm used to reduce the validity of other norms is only valid as a basic norm because its content is assumed to be directly provable. Directly provable, therefore, means that it remains within, or originates from, reason or intellect.

The purpose of postulating the basic norm itself, according to Kelsen, is to explain the unity and normativity of the legal system. The existence of a basic norm is not intended as law itself, but as a prerequisite for all lawmaking. Without such a postulation, there could be no unity of normativity that we know as positive law, which is the object of cognitive legal science (Darmini, and Gokna, 2021). Because it is not law itself, the basic norm only provides a reason for the validity of other norms, but does not provide the substance or content of those norms.

Without the postulation of basic norms, it would be impossible to interpret empirical human actions as legal actions and the consequences of those legal actions as binding norms, such as the act of lawmaking. Thus, at certain moments, Kelsen also explains that the basic norm only functions to grant power to the norm-making authority, thereby making the basic norm the reason underlying the creation of norms within a unified normative system.

In more practical terms, we can say that the enforcement of a norm must be carried out only in the manner and under the conditions stipulated by the authority that established the norm or the organs to which it delegated its authority, which derived their authority from the basic norm. The main challenge facing Pure Legal Theory lies in its limitations in responding to global realities and contemporary issues that are laden with non-legal dimensions. The complexity of

global interactions, the emergence of digital technology, and cross-border issues such as data privacy, cyber security, environmental issues, and the protection of human rights show that law cannot be completely separated from social, political, and moral influences (Andi Munafri, 2020). This phenomenon demands a more open and integrative approach to law, as formal compliance with legal norms alone is insufficient to address multidimensional problems. In the context of international law, for example, issues of global justice, climate change, and human rights require a legal framework that is adaptive and responsive to developments in social and ethical values beyond the classical normative framework. In this case, Kelsen's orientation, which emphasizes the separation of law from social reality, is considered insufficient because it does not provide analytical instruments to understand how social, political, and moral dynamics shape and change the legal structure. As a result, Pure Theory of Law is often seen as unable to comprehensively explain the relationship between legal norms and the ever-changing social reality (Mappatunru, 2020).

c. The Validity of Divine Values in Pure Theory of Law

To address this issue, we will start with Hans Kelsen's rhetorical question, which he posed in order to explain pure legal theory. The question is as follows: *"How can we interpret the subjective meaning of certain facts as an objectively applicable system of legal norms that can be explained in legal rules without the help of meta-legal authorities, such as God or Nature?"* (Hans Kelsen, 2016) This question is as interesting as the epistemological answer proposed by Kelsen, but we will save the answer for later, while we try to understand what Kelsen is trying to convey in the above question.

In this case, Kelsen wants to show that he is aware that it is not easy for us to free ourselves from the influence of the values of God that we have always believed in (Darmini). The values referred to are certainly not only those that originate from monotheism, which bases the way of life, including the norms in life, on God's provisions as the highest ultimate norm. But also those originating from groups such as dynamism and animism, whose values of God are almost similar, namely the existence of rules or norms that apply and must be obeyed in daily life, originating from a transcendent entity such as nature or a spiritual spirit that is believed to be the highest norm. This attachment to norms will certainly cause us to argue with the theory put forward by Kelsen. How can we live our daily lives using norms that do not originate from God?

Does God not interfere in the formation of norms?

Kelsen's answer is as follows: *"By assuming a basic norm that stipulates that we must behave as prescribed by law, that is, we must behave in accordance with the subjective meaning of the volitional act that created the constitution—or based on the provisions of the authorities that drafted the law. (Hans Kelsen, 2016)"*

In his answer, Kelsen reaffirms what he wants in his theory, which is to cleanse the law of non-legal elements. The goal is to avoid mixing different analytical disciplines in each other's methods, which would only cause bias in defining norms in the normative system. The principle proposed by Kelsen allows the normative order to depend only on other norms, meaning that it depends only on things that are juridical in nature, not on non-juridical things. The formulation of norms is also only possible by authorities that are mandated in the basic norm (Dyah, and A'an). Only in the case of basic norms does Kelsen treat them differently. Instead of being formed through legal procedures, basic norms are born and validated because they are postulated.

However, the above explanation does not answer our main question about whether the value of Godlessness loses its place in the normative system by including it in the basic norm. Hans Kelsen is very obedient to pure law, and the normative system (positivism) is subject to this principle. Therefore, societies that are strongly attached to the values of Godlessness can still adhere to them as long as these values are postulated in the basic norm. This is possible because the basic norm itself is not concrete; in the normative order, the basic norm is at the top of the order and is abstract. This abstract nature makes it a foundation for all norms below it. Therefore, for societies whose way of life refers to divine values, the postulated basic norms must contain the intended values so that the specific norms below them do not conflict with the divine values contained in the basic norms. Thus, it can be said that divine values are valid in the normative system to the extent that they are postulated into the basic norm.

Furthermore, the validity of divine values is also possible in legal positivism to the extent that these values have been debated as moral values before they become valid norms. Kelsen also emphasized this in his theory, stating that debates about morality are considered to be over when norms are established (Adji Samekto). Thus, in the system of norms, divine values are no longer debated as moral values, but are obeyed as valid norms.

d. Transcendental Legal Paradigm

The transcendental dimension in the context of postmodernism is not limited to theological aspects alone, but covers a broader realm such as religion, ethics, and morality that can be discussed in relation to developments in science, society, culture, economics, and law. The transcendental perspective emphasizes that the source of knowledge does not only come from the normative texts of the Qur'an and Hadith, but also from *maslahah mursalah* as an additional legal instrument, which is based on empirical research on social and natural phenomena with the aim of bringing about human welfare. This is in line with Allah's words in QS. Al-Anbiya verse 107, which emphasizes that the prophetic message was presented as a blessing for the entire universe. Thus, the transcendental paradigm presents an integration between divine values and human empirical experience as the basis for the development of science and law (Elviandri, 2019).

Transcendental legal epistemology emphasizes the integration between science and values (value integration) so that law is not only understood in a formal normative framework, but also in a horizon of wisdom oriented towards social welfare and divine pleasure. In this context, Pancasila becomes the main foundation as a national legal ideal that reflects transcendental-holistic values (Dimiyati, *et al.*, 2021). The Pancasila legal ideal not only guides the formation and application of law, but also serves as a moral guideline and norm for criticizing legal practices that deviate from substantive justice. (Absori, 2016). Therefore, national law must be developed within a prophetic framework, namely law that is rooted in the values of divinity, humanity, and social justice, so that law does not only function as a formal instrument, but also as a means of realizing substantive justice that is sourced from divine truth (Absori, 2015).

This transcendental foundation is affirmed in the Indonesian constitution, particularly in the Preamble to the 1945 Constitution, which states that the independence of the Indonesian nation was born out of the grace of Almighty God. The principle of Belief in One God as enshrined in Article 29 of the 1945 Constitution serves as the basis that the state and the law must not be detached from spiritual values. This finds its juridical manifestation in Article 2 paragraph (1) of Law No. 48 of 2009 concerning Judicial Authority, which requires that justice be carried out "in the name of justice based on the One Almighty God." Thus, every decision made by a judge () is not only a product of legal rationality, but also part of a moral responsibility before God.

The position of judges in this context can be interpreted as representatives of God on earth whose decisions must be accounted for ethically, morally, and spiritually. The judge's gavel must not be based on personal interests or external pressures, but solely for the sake of divine justice. Thus, the transcendental legal paradigm in Indonesia necessitates a dialectic between normative validity as formulated by Hans Kelsen in pure legal theory and prophetic values rooted in Pancasila and the 1945 Constitution. This dialectic gives rise to laws that are not only procedurally valid but also substantively valuable in realizing justice in accordance with the mandate of the One Almighty God (Absori, 2017).

e. The Transcendental Paradigm in the Phrase "For the Sake of Justice Based on the One Almighty God"

As a country with a monotheistic majority, Indonesia cannot help but be bound by the values of God, whether in terms of lifestyle, economy, politics, or even legal matters. However, Indonesia is also a diverse country, and it seems that it can only survive if its legal system uses positive law based on Hans Kelsen's pure theory of law, due to its more objective nature and lack of bias from values outside the law.

Despite adhering to legal positivism, Indonesia has not abandoned its attachment to divine values in its legal system. This can be seen, for example, in the phrase "In the name of justice based on the One Almighty God" which is included in every court decision in Indonesia. The principle is that judges, in deciding a case, must remember their responsibility not only in court, but also when they stand before God. This principle has a consequence, whereby every court decision is ultimately considered to contain a sense of justice as commanded by God (Mahfud, 2015).

The problem is whether this phrase is valid because it relies on justice based on God and not on justice based on normative provisions. In order to find the answer to the above question, we need to search for the basic norms that form the basis for the validity of this phrase so that it can have legal consequences for every court decision in Indonesia. This search will stop as soon as we recall an important part of Hans Kelsen's theory, namely the hierarchy of norms. The principle emphasized in the hierarchy of norms is that lower-level norms, which regulate specific matters, are subordinate to and must not conflict with higher-level norms, which regulate more general or abstract matters. In this case, the normative order will appear to be hierarchical, and

if illustrated, it will form a pyramid of norms, with the basic norms at the top.

In Indonesia, norms that are implementing norms are subject to laws as norms formed by the law-making authority, namely the House of Representatives. Meanwhile, laws are subject to the constitution, namely the 1945 Constitution of the Republic of Indonesia, which is also subject to the first constitution (before undergoing amendments). The constitution is the highest norm formed through legal procedures, which has two parts, namely the preamble and the main body. Our *founding fathers* created it so that the constitution could be amended as long as it did not change the contents of the preamble. This means that only the main body of the 1945 Constitution can be changed or amended. This is because *the founding fathers* assumed that the preamble contained the principles of statehood.

These principles include what we know as Pancasila. Pancasila, in the normative order, is placed at the top of the hierarchy of norms, according to Hans Kelsen (). Therefore, it is the basic norm as intended by Hans Kelsen (Wahyu, 2024). Pancasila was not formed through legal procedures, but was postulated as a basic norm by *the founding fathers*, who drew on the values that existed within Indonesian society.

Pancasila provides the answer to the final issue we wish to resolve, namely the validity of the phrase "For the sake of justice based on belief in one God" in every court decision in Indonesia. We have previously understood that the validity of the value of belief in God is possible, as long as it is postulated in basic norms. We can therefore find its practice in Pancasila (Dyah).

One of the values contained in Pancasila is the value of God, which appears in the first principle, which reads "*Belief in One God.*" This principle is the normative basis for all norms below it so that they do not conflict with the values of God. Thus, it can be understood that the basis for the application of the phrase "For the sake of justice based on the One Almighty God" in every court decision in Indonesia is Pancasila as the basic norm that contains the values of Godliness that have been postulated as valid in themselves.

The validity of the phrase "For the sake of justice based on the Almighty God" is also possible because Kelsen said in his theory that the validity of a legal norm is not measured by seeing that the norm has certain content that can be logically concluded from the postulated basic norm, but because it is made based on certain methods established by the basic norm. Thus, whatever the content of a norm, it can still become law in the normative order (Hans Kelsen).

Hans Kelsen, through his Pure Theory of Law, asserts that the validity of a legal norm always relies on a higher norm in a hierarchical structure (*Stufenbau*), culminating in the basic norm (*Grundnorm*). This basic norm () is postulated as the ultimate source of legitimacy, which is not derived from any other norm. Within the framework of Kelsen's positivism, the basic norm is formal and neutral, serving to ensure the unity of the legal system without incorporating moral, political, or ideological values.

However, when contextualized within the Indonesian legal system, Kelsen's positivistic framework takes on a deeper dimension. The phrase "For the sake of justice based on the One Almighty God" in the heading of court decisions, for example, shows that the validity of law is not only supported by formal applicability, but also by recognition of transcendental values. Basic norms in the transcendental perspective no longer stop at mere formal postulates, but find their basis in divine values that animate the constitution and the entire national legal system. Thus, the transcendental legal paradigm seeks to integrate positivistic rationality with the value of God as the pinnacle of the hierarchy of legal legitimacy.

This paradigm shows that law is not only understood as an autonomous normative order, but also as an instrument of justice rooted in ethical and spiritual dimensions. When the validity of norms is positioned not only within the framework of formalism, but also within a transcendental horizon, law gains a more solid and meaningful legitimacy. In this way, law in Indonesia does not merely guarantee formal certainty as emphasized by Kelsen, but also affirms the divine values that form the philosophical foundation of the nation, so that law can function as a means of substantive justice as well as a guardian of human dignity.

4. Conclusion

The dialectic between Hans Kelsen's Pure Theory of Law and the transcendental legal paradigm shows that the validity of law in Indonesia cannot be understood solely within the framework of normative positivism. According to Kelsen, norms obtain validity because they are based on higher norms in the *Stufenbau des Recht* until they reach the *Grundnorm*. However, in the Indonesian context, the validity of law obtains broader legitimacy, namely transcendental in nature, because it is rooted in Pancasila as the foundation of the state, especially the first principle, and is manifested in the phrase "Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa" (For Justice Based on Belief in One God Almighty) in the . Thus, the law is not only valid because of its formal

applicability, but also because it is based on divine values that give spiritual substance to the national legal system. This transcendental paradigm enriches the understanding of legal validity by emphasizing that the law is not merely an autonomous normative system, but also an ethical and prophetic vehicle that maintains a balance between certainty, justice, and benefit. Kelsen's positivism, which tends to separate law from morality, finds its correction in Indonesian legal practice, because national law is always related to divine values that animate the life of the nation and state. In other words, Indonesian law has dual legitimacy: legal-formal, which emphasizes certainty, and moral-transcendental, which emphasizes substantive justice, so that law functions not only as a regulatory instrument but also as a prophetic means of maintaining human dignity before others and God.

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