

### Characteristics of Legal Science as Sui Generis

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**Abstract:** *Philosophy is a process of reasoning in thinking to make a conclusion to gain knowledge, because humans are thinking creatures, every attitude and action must come from knowledge based on the thinking process. Until now, the position of legal science is still debated because law is perspective and normative, the characteristics of legal science are doubtful in social science or humanities because it has its own characteristics, called sui generis. This research aims to examine the characteristics of legal science as sui generis from the perspective of the philosophy of science. The research method uses normative juridical with secondary data analysis that is related with the problem in a descriptive-qualitative with a philosophy of science perspective. The results showed that the parameters of sui generis can be seen from the perspective of normative science, terminology in a broad and narrow sense, the type and scope of knowledge in normative science and empirical science, also layers of legal science in the form of legal dogmatics, legal theory, and legal philosophy law. Legal science need to understand the history of development of law as the key to identifying sui generis characteristics through analysis of legal theory, legal concepts, and legal principles philosophically in certain conceptual viewpoints as fundamental to legal science, apart from that, legal research is also needed.*

### Introduction

Humans need knowledge from experience to develop knowledge essential for knowing and responding to emerging social realities. This then gives rise to a process of understanding in realizing a rational thinking system, if a dispute occurs then rational thinking can provide arguments for each human being to choose a point of view they will believe in. This influence is related to the emergence of philosophy, when humans began to no longer rely on all social phenomena and problems through believed religious answers but rather through a way of thinking between what should happen and the reality that occurs so that it can be said to be science (Malian, 2010).

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Humans then think about the ability to understand reality with a collection of interrelated issues, for example, the nature of humans and the nature of the emergence of reality through philosophy, namely studying a problem in depth that must be able to be explained by the mind.

The existence of philosophy is intended as a way of answering social problems or problems using a systematic method regarding the fundamental reasons for reality. According to Greek, the term philosophy is defined as wisdom in thinking to uphold the truth (Rois, 2022). This means that philosophy is a process of reasoning in thinking to conclude to obtain knowledge because, in essence, humans are thinking creatures, so every attitude and action must be based on knowledge obtained based on the thinking process. Philosophy provides an understanding of the basis of human action with knowledge and rigorous thinking to analyze the reasoning of problems from a certain point of view. This thinking process is then carried out by having doubts about something, asking questions related to that matter, collecting and connecting opinions and looking for basic answers from the available answers. This means that philosophy is contemplation in thought to obtain clarity of knowledge so that humans can understand it.

According to its development, science has several types of knowledge with their respective characteristics, namely natural sciences, social sciences and humanities (Luthfi, 2022). Until now, legal science is still being debated regarding its position within a science because law is perspective and normative, this has caused doubts about the characteristics of legal science as being essentially included in the social sciences or humanities sciences because it has its characteristics, which are called *sui generis* characteristics. The categorization of legal science as part of empirical science and humanities causes discourse because, in its development, legal science analyzes a problem, not with the aim of testing hypotheses like the empirical field of social science (Hasan, 2019). Norms in legal science cannot be proven true unless confirmed by each human being who faces them consciously, whereas scientifically, legal science solves legal problems with a fixed and controllable work method and must be based on a series of theories that support the force of law. Law's practical and perspective nature gives rise to the opinion that, in its character, legal science tends to be more normative than empirical.

Based on this background, this research examines the characteristics of legal science *as sui generis* from the perspective of the philosophy of science, which aims to find the philosophical basis for the position of legal science based on ontology, epistemology, and axiology, as well as finding boundaries or parameters in determining the characteristics of legal science as *sui generis*.

## Research Method

The research study uses '*doctrinal*' specifications with a normative juridical type of research, namely that law is analyzed as a norm in carrying out actions implemented through positive law or applicable law in uncovering theoretical and philosophical problems (Efendi et al., 2019). Data collection

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techniques and methods use secondary data analysis (data results obtained indirectly through library materials as a research source) with previous research, scientific books, online articles, papers, or legal research reports related to the research theme. The analytical method used is descriptive-qualitative with a philosophy of science perspective because it analyzes legal material sources in coherent and orderly sentences.

## **Discussion and Results**

### **Philosophical Foundations of the Position of Legal Science**

Philosophy can be divided into Philos, which means deep love, and Sophia, which means wisdom (Kiki et al., 2018). In Latin it is called Philosohia, Philosophy (English), Philosophie (French), Wijsbegeerte (Dutch) and Falsafah (Arabic) (Kiki et al., 2018). So, according to the word's origin, etymology means that to achieve wisdom, you must theoretically understand something broadly and in-depth. R. Beerling states that philosophy is free thinking inspired by ratios regarding everything that arises from experience, while Arne Naess believes that philosophy is a comprehensive view expressed in terms of meaning (Poesoko, 2018). Plato then defined philosophy as an art of discussion, meaning it is necessary to criticize opinions wisely and obtain them through thinking by looking for causes and principles. Based on this understanding, philosophy can be interpreted as follows (Karomani, 2009):

- a. Philosophy is an attitude towards the universe and life, meaning that philosophy is a philosophical attitude, namely a critical, tolerant, and open attitude, because it sees something as a whole involving life and the universe.
- b. Philosophy is a reflective and speculative method of thinking with reason or basis.
- c. Philosophy is a collection of fundamental unsolved problems.
- d. Philosophy is a collection of theories with the names of philosophers that give rise to specific systems of thought.

Legal philosophy functions to reflect on law as a whole and investigate the basis of the process of seeking justice. General principles of law with formal objects are seen as the basis for the binding power of law and criteria for legal assessment as limits to legal norms and the main problems of philosophy. This is based on pragmatic theory that normative, informative and evaluative recommendations are manifestations of the results of philosophical reasoning.

Science can be interpreted as products and processes (Sidharta, 2000). Science is intended as a product, namely knowledge that has been studied for its truth and has been arranged systematically, apart from that, science is intended as a process, which is a human activity to gain knowledge in a particular field by thinking systematically to observe certain phenomena, producing a decision that can be studied by people others so that knowledge will develop. According to Harold Berman, the existence of science needs to meet the requirements, namely firstly methodology, secondly values (the substance of the values of objectivity, openness and tolerance) and thirdly sociological (the formation of social communities in various scientific disciplines (Sidharta, 2000). Science is the totality of human ideas and

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understanding regarding phenomena and reality (Gie, 2012). Gie added that in science, there are phenomena as material objects and perspectives as formal objects, which are then combined into objects of science contained in scientific statements in the form of descriptive, prescriptive, historical reconstruction, and pattern exposition. According to Gie, science's characteristics consist of systematic, empirical, objective, analytical, and verification (Gie, 2012). Based on this explanation, knowledge is the human ability to rationalize a reality to give rise to knowledge.

Philosophy and Science are interrelated as intellectual disciplines, because there is critical and speculative thinking in philosophy, while science is methodical research obtained from the human ability to reason. Philosophy of Science, according to Conny Semiawan, is explained in the following understanding (Atmadja, 2014):

- a. The philosophy of science is a consistent formulation of understanding based on critical scientific theories;
- b. Philosophy of science is conjecture, explanation, and tendency for scientists;
- c. Philosophy of science is a theoretical and scientific concept that is analyzed and classified in a disciplinary manner;
- d. The philosophy of science is a guideline for answers to questions about the characteristics, procedures, and concrete status of scientific principles and laws;

Philosophy of Science is a philosophical reflection on seeking the nature of science to achieve absolute truth (Winarsi, 2008). According to Bertens, science philosophy's function is to differentiate science from scientism, answer the meaning and value of science, test scientific methods, and examine problems in science philosophically (Bertenz, 2012). Apart from that, the philosophy of science also functions to provide a philosophical basis for understanding scientific theories and concepts by describing the relationship between hypotheses and evidence obtained from a social phenomenon. The philosophy of science aims to find the nature of science with a specific methodology and then implement it in social life. Understanding the philosophy of science can be done by analyzing the nature of scientific knowledge and knowing the methods of achieving scientific knowledge. This means that in the philosophy of science it is closely related to the human ability to understand knowledge logically regarding the conditions of scientific knowledge and forms of scientific knowledge through specific methodologies. The philosophy of science has an important role in human reasoning because, in the philosophy of science, it explores science in depth so that it can be said to be the essence or root of science.

Through the philosophy of science, legal science as a science studied philosophically needs to understand the basic definitions in the knowledge system, so that legal science has the power as fundamental ideas for legal development (Poesoko, 2018). The nature of legal science can be analyzed through approaches from the philosophy of science and legal theory (Poesoko, 2018). In relation to reviewing research, legal science basically does not verify or test hypotheses like social science research or natural science research because

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legal research does not recognize the term data. The method of studying legal science is carried out based on the nature and character of legal science. Philosophically, science is differentiated between a positivistic legal view (empirical science) and a normative view (normative science). Empirical science is studied using empirical legal science, namely socio-legal jurisprudence and sociological jurisprudence, while normative science is studied by broadly analyzing norms through legal science. The truth of legal science from empirical and normative science is related to the theory of truth, namely Bertrand Russell's correspondence theory and Charles S. Peirce's pragmatic theory (Poesoko, 2018). Correspondence theory is a truth that occurs based on the correspondence between data and reality, while pragmatic theory is a stated truth, a proposition will act as truth if it can be proven to be helpful, and the results and consequences, through testing the truth of theoretical opinions and their implementation so that balance occurs and can resolve social problems. Based on this, legal science has 2 (two) points of view, normative science and empirical science, each of which has its legal scientific method. The essence of legal science in legal theory is divided into 2 (two), in a broad sense and a narrow sense (Poesoko, 2018). Legal theory in the broad sense, according to Meuwissen, is divided into legal philosophy, legal theory, and legal science, including legal dogmatics, while according to M. van Hoecke, legal theory in the narrow sense is a legal theory whose position lies between legal dogmatics and legal philosophy.

Studying law as a science concerns systematically structured knowledge related to legal values, legal rules or norms, and legal events. Law as a science aims to obtain the truth. According to Soerjono Soekanto, the law has the following meaning (Darmodiharjo et al., 2006):

- a. Law as a science is systematically based on thought.
- b. Law is a scientific discipline that studies social phenomena.
- c. Law as a norm or guideline for human behavior.
- d. Law as a legal system, namely legal norms that apply at a certain time and place in written form
- e. Law as law enforcement, namely as an officer in supervising the implementation of the law.
- f. Law is a decision for the authorities through a discretionary process.
- g. Law as a government process, namely the relationship between elements and state systems
- h. Law is regular behavior aimed at achieving security and peace.
- i. Law as value, namely the abstract concept of assessing good and bad.

In essence, law as a science will have strong enforceability if every legal value and norm has integral fundamentals from an ontological, epistemological, and axiological basis. So, to achieve truth in law, a method with its characteristics is needed so that all the required legal substance or content material is mutually sustainable to form a complete legal system. The legal system has a structure that is structured systematically and has specific methods, plans, and procedures to form a complex, interconnected unity. The function of law is basically to provide direction or control the enforcement of regulations and implementation in society as a benchmark for assessing what is right and wrong in human actions. This has an impact on law as a

consideration for assessing justice, usefulness and certainty in formulating regulations or norms in forming a complete legal system. The philosophy of legal science aims to explain legal values or rules philosophically and fundamentally in order to realize justice, certainty and benefit, along with the dynamic development of law.

In connection with the objectives of legal philosophy itself, philosophers try to find solutions to problems related to the idea of making perfect laws, and showing society that the laws that have been established are certain and strong. Legal philosophy provides a logical explanation of law to meet legal developments and ensure the continuity of law in the future. Legal philosophy focuses on the philosophical aspects of law related to functional issues, trying to create a sense of justice that is in accordance with abstract and concrete legal rules. Legal philosophy creates better ways to resolve disputes and creates better legal systems. Legal philosophy concentrates on the philosophical aspects of law, especially the function of law and legal philosophy itself. These functions include applying the law, resolving disputes, and changing and arranging order to achieve a sense of justice based on concrete and abstract legal principles. Legal, philosophical thinking will be beneficial because it covers a broad horizon through an in-depth analytical approach to every legal problem that arises in society or the development of legal theory itself. Legal politics in combining legal science with legal philosophy is carried out because legal politics is more practical in explaining constructive, teleological thinking carried out in relation to the formation of law and legal discovery, which has abstract and generally applicable rules, while legal discovery is carried out with a specific approach and determination of concrete values.

The term ontology is Greek, which means to exist, ontology is a science that studies the nature of existence based on logic, not nature, universally to search for general thought and search for the core and basis of reality through theories. Ontologically, in discovering the nature of reality, legal science is divided into material objects and formal objects (Luthfi, 2022). Material objects are material for scientific investigation, while formal objects are methods for understanding material objects, namely the nature of reality studied through philosophical schools. The ontological aspect of legal science means that in analyzing legal science it is necessary to understand the fundamental nature of the theory of general principles of a science. The material object of legal science is the law itself (authoritative norms) and humans, while the formal object is normative which studies norms based on the origins, structure and truth of law.

Epistemologically, finding knowledge using valid methods is done using empiricism, rationalism, phenomenism, and intuitionism (Poesoko, 2018). Epistemological understanding can be done philosophically to discover the nature of truth, the methods humans use to gain knowledge (in this case using normative or empirical methods), and systems that aim to discover the truth of the reality of knowledge. The epistemological aspect of legal science is dualistic, meaning that legal norms must have statements with general substance that should be used as guidelines, including the inclusion of inevitable consequences as threats or sanctions as rational reasons for non-

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compliance with norms, and legal norms must be interpreted as regulations that contain factual regularities of peoples behavior. Legal science in determining truth must be understood based on the source, nature and method of obtaining knowledge carried out philosophically within a conceptual framework so that the reasons for the emergence of reality can be systematically related to something right and wrong.

Axiologically, finding the value of science for social benefit consists of 2 (two) categories, namely objectivism and subjectivism regarding the nature of values, meaning of values, and types of values (Poesoko, 2018). According to Peter Mahmud Marzuki, axiologically legal science is prescriptive and applied (Rois, 2022). This means that legal science contains legal objectives, legal values, legal norms, and the validity of legal concepts in its prescriptive nature, while in its applied nature legal science has specific provisions and procedures for forming, compiling and implementing legal norms. Axiological can also be equated with value and valuation as follows (Suriasumantri, 1994):

- a. Value is an abstract noun that means truth or good in the broad sense and good in the narrow sense. In broader usage, "value" is a genuine noun for any criticism or predicate of pros and cons, as distinct from facts. Lewis mentions values as a means to achieve various goals, the ethical components called axiology or value theory in the form of instrumental value, or being good, inherent value, or being good for oneself, and experiential value.
- b. Value is a concrete noun, the term "value" is often used to refer to something of value, such as a good value system, and then used for things that are the opposite of value, such as things that are considered worthless.
- c. The term "value" is also used as a verb in the term "to assess", which means to actively evaluate something to judge an action by considering existing values.

The axiological aspect aims to show the benefits of science or the value of science in terms of human benefit along with paying attention to nature conservation and human dignity. The axiological aspect of legal science plays a role in forming and preparing statutory regulations, implementing the law, and education regarding the law (Malian, 2010). Legal science can also influence other fields because it regulates all fields progressively and systematically so that legal regulations are composed comprehensively. Legal science functions to systemize unorganized legal materials into legal books or codifications as well as explain or explain the considerations required by other fields to find solutions to broad legal problems and difficulties.

The position of legal science, from the perspective of the philosophy of science, is a practical science with a particular position because of its unique characteristics. According to Bernard Arief Sidharta, the position of legal science is included in normological practical science, namely the science that studies necessary guidelines called normative science, where the problem of whether something is good or bad is examined through volitional principles (Sidharta, 2000). Legal science uses normative legal research methods, namely methods of legal interpretation and construction because of its

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position as a normological practical science (Poesoko, 2018). The object of analysis of legal science concerns human behavior and norms, whose compliance can be forced and threatened by state power. This means that legal science collects, systematizes, interprets and analyzes applicable law with the final form of offering solutions to legal problems based on the framework of positive legal concepts.

Legal science, which develops dynamically, also directs the creation of new legal norms to fulfill social relations, so legal science must be able to develop regulations or norms from various sciences without changing other sciences and not losing the character of legal science as a normative science. The aim of legal science is to provide juridical solutions to legal problems arising from the conditions of society by using methods of interpretation and legal construction based on legal norms and then made relevant to the factual situation. So, legal science is a practical-nomological science that explores things that society should do so that they can be implemented in real terms, by answering legal problems adapted to concrete conditions in society. Legal science is considered a normative science that investigates various things with the aim of determining who is responsible for certain situations and events that do not occur spontaneously. This shows that compared to empirical legal science which focuses on forecasting social processes, legal science basically focuses more on aspects of real problem solving that occur in society.

### **Characteristics of Legal Science are Sui Generis**

Legal science can be accepted as a science with unique characteristics of legal science which is *sui generis* as a personality of legal science, because its scientific knowledge cannot be grouped into branches of social sciences or humanities. The term *sui generis* in Latin is divided into *suum* (itself) and *genus* (kind), this can mean that *sui generis* is something that only exists in one kind. Made Pasek Diantha stated that the distinctive character of legal science can be seen from the object of research, the type of scientific truth and the use of logic or thought construction (Hasan, 2022). It is known that the object of legal research is norms, with the method of analyzing problems using normative legal research. Types of scientific truth can be known from theories of truth; in this case, legal science uses a pragmatic theory of truth with practical problem-solving propositions to benefit from the truth. The use of logic or thought construction can be seen in legal research methods which are prescriptive, containing explanations of concepts, nature and essence, that a norm must be interconnected between cause and effect so that legal norms have a basis called *grundnorm*, this is the limit for a proposition to be stated to contain meaning prescriptive.

Peter Mahmud Marzuki stated that the essence of legal science as *sui generis* can be seen based on parameters, namely the character of normative science, terminology, type and scope of science, and layers of legal science (Poesoko, 2018). The normative character of legal science means that the norms containing law are prescriptive, not descriptive, which can be understood universally. The nature of legal science as *sui generis* cannot be assessed and compared with other sciences because it has its characteristics,



namely normative, so that legal science views a phenomenon or social condition fundamentally with the consequence that in analyzing a norm it is necessary to make it relevant to legal objectives, concepts and values in law. This means that research methods in normative science are based on the nature and character of legal science, the study of which is carried out thoroughly in statutory regulations.

In terms of terminology, the term legal science is referred to as *Rechtswetenschap* which in the narrow sense is defined as legal dogmatics as a description and explanation of the positive legal system, while *Rechtswetenschap* in the broad sense consists of legal dogmatics, legal theory and legal philosophy (Tutik, 2013). *Rechtstheorie* in the narrow sense is a legal theory, namely the layer of legal science that contains legal explanations, while in the broad sense it has the same purpose as *Rechtswetenschap*, namely the order of layers of legal science (Tutik, 2013). According to legal science's object, legal science types are divided into normative and empirical (Poesoko, 2018). Normative legal science focuses on the study of norms, while empirical legal science focuses on the study of behavior (realist), the problem of the gap between law in book and law in action (sociological jurisprudence), as well as the reciprocal relationship between society and law (socio-legal).

The following characteristic of legal science as *sui generis* regarding the layers of legal science is divided into 3 (three): Legal Dogmatics, Legal Theory, and Legal Philosophy. Jan Gijssels and Mark van Hoecke mention each characteristic of the legal layer as follows (Gissjels & Hoecke, 1982):

- a. Legal philosophy, namely the science that studies the nature of truth, focuses on fundamental answers expressed in normative and evaluative propositions in response to general legal conditions. Legal philosophy analyzes legal problems rationally, manifested in values that support determining human behavior in dealing with concrete legal problems. The scope of legal philosophy consists of legal ontology, legal epistemology, and legal axiology. Philipus M. Hadjon states that the scope of legal philosophy consists of legal ontology, legal epistemology, legal axiology, legal ideology, legal theology, legal science and legal logic (Hadjon, 1994). Legal ideology, namely studying the legitimacy of the legal system and legal institutions, legal theology, namely studying the determination of the objectives and substance of law, legal scholarship, namely studying legal meta-theory and legal logic, studying legal thinking in arguing about the structure of the legal system. Philosophy helps people be creative, and create new values, goals and paths. This is based on their belief in facing the world and serving the noble ideals of humanity because if it is not universal, philosophy is useless. The nature of philosophy is critically reflective, meaning that legal philosophy plays a role in guiding the analysis of legal problems rationally with answers not only obtained based on emerging legal phenomena, but also analyzed based on general values and principles to determine wisdom in resolving concrete problems.
- b. Legal theory, namely science, contains propositions on a concept systematically arranged regarding the description and definition of

social phenomena. Duane R. Munette states that legal theory is an interrelated proposition in a deduction system to describe a problem (Poesoko, 2018). Legal theory explains the relationship between several elements containing a deductive system (general and abstract to specific and natural) in the face of the described social phenomena. Legal theory has a position between legal philosophy and legal dogmatics, namely between abstract and speculative law and concrete, prescriptive law. Salim H.S thinks that a theory has certain conditions to be said to be a legal theory, namely (Salim, 2012):

1. A legal theory must follow the results of experimental observations that can be applied to all legal rules.
2. A theory must contain a limited legal system structure relevant to clear social conditions.
3. A theory must consistently apply principles and concepts with theoretical considerations to produce conclusions that do not conflict with generally accepted theories unless the theory is a form of resistance to an established theory.
4. A theory must have a broad scope to explain the results of observations.
5. A theory must be able to relate to the latest research.
6. A theory must explain social phenomena that are not observed even though they are known.

Furthermore, to test the validity of a theory and evaluate whether a theory is valid or not, Ahmad Mulyana put forward the parameters for proving a legal theory, namely (Salim, 2012):

1. A theory that applies to the general public, meaning that the theoretical scope can be used as a guide to answer social phenomenon problems.
2. The theoretical content must follow the theoretical problem with the basic logic of thinking adapted to answer the problem.
3. A theory can produce new theories that are interrelated and evaluative.
4. A theory has consistency in the value of objectivity as a basis for thinking, internally regarding the consistency of explanations of concepts and observation results, while externally regarding the consistency of explanations as support for previous theories.
5. A theory must be simple in describing a problem and explaining the results of observations.

Based on this, legal theory examines the analysis of legal materials, legal methods, legal dogmatics, and criticism of legal ideology. Legal theory answers problems in terms of legal concepts, legal systems, legal institutions, legal sources, and legal functions through legal dogmatic methods, legal formation, and legal application, with evaluative criticism that all values in legal norms can realize the human vision and mission to achieve legal objectives. Legal theory is a theoretical

basis for normative science in preparing legal products and law enforcement.

c. Legal dogmatics

Legal dogmatics can also be called positive legal science (applicable law) or practical legal science, which resolves legal problems with technical, juridical explanations in normative science. Radburch stated that legal science is defined in a narrow sense, namely science that studies positive legal order objectively (Poesoko, 2018). The object of analysis of legal science is the positive or applicable legal system, namely legal and national law, this is to know, understand and master knowledge regarding legal norms and principles, so that you can make certain decisions. This means that legal dogmatics refers to positive law with the aim of resolving legal problems in a non-value-free manner because it is carried out based on authoritative texts which are then interpreted practically in accordance with normative characteristics. Legal dogmatics is related to values and rules so that it is descriptive by exploring formal legal sources such as statutory regulations, community customs, and court decisions, as well as legal principles and principles as a technical approach to solving problems through a concrete juridical framework. The relationship between legal dogmatics and legal theory focuses on the following:

1. Legal dogmatics studies law technically based on positive law, while legal theory is a reflection on the application of law or legal technicalities;
2. Legal dogmatics relates to how legal science is normative, while legal theory is the way practitioners or jurists respond to normative law;
3. Legal dogmatics is concerned with concrete problems, while legal theory is concerned with legal reasoning regarding a concrete problem;
4. Legal theory is a meta-theory of legal dogmatics, legal dogmatics must always be concerned with positive law, while legal theory does not always discuss positive law because the perspective of legal theory is broader.

The reflective characteristics of legal science as *sui generis* are known from its normative nature. This means that in solving society's problems legal science uses rules or norms that are arranged systematically, although in legal science, there is an empirical science, problem-solving is not carried out based on social science with empirical legal sociology whose propositions are informative with external perspectives and research methods. The five senses capture and observe this using legal sociology and empirical legal theory to achieve correspondence truth. The study of legal science is carried out normatively with evaluative propositions with an internal perspective and normative research methods using legal science in general to achieve pragmatic truth.

Lewis White Beck states that the philosophy of science evaluates methods of scientific thinking with the aim of finding a comprehensive scientific element, whereas according to A. Cornelius Benjamin, it is stated that the philosophy of science is a branch of philosophical knowledge about

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science that contains methods, concepts, propositions and a general framework of knowledge (Ismaun, 2001). With regard to finding the characteristic parameters of legal science as sui generis based on the philosophy of science, it can be identified based on the flow of positivism and empiricism. The flow of positivism with the important figure Auguste Comte stated that science contains facts that are discovered positively, meaning that humans investigate social phenomena and phenomena and then relate them to legal theories. Critically, an observation is carried out in line with legal theory so that an interpretation can be made between one legal fact and another. In connection with positivism, the empiricist school with the character Thomas Hobbes states that knowledge is obtained based on experience which will then be interpreted through a reasoning process so that facts can be determined and the certainty of knowledge can be tested within certain limits according to human reasoning abilities. Legal science, which has normative and prescriptive characteristics, emphasizes the need for an objective depiction of law based on existing legal facts (social phenomena) adapted to established laws, this is because legal science is a unique scientific discipline related to norms that can be analyzed logically. positivism and empiricism. Apart from that, based on the pragmatism school of William James, the view is that knowledge is obtained based on observation and understanding or definition. This means that events and legal facts become a process of finding the truth, which is then verified based on the results of reasoning. The truth becomes real. The flow of Rationalism, according to Rene Descartes, the founder of modern philosophy, views that the source of adequate and reliable knowledge is the ratio of reasoning, so that it can qualify as absolute science.

Based on this, the parameters for knowing the characteristics of legal science as sui generis as the unique personality of legal science can be known by considering the following:

1. Normative, the characteristics of legal science are mainly norms as material objects, which contain rules, principles and concepts that regulate human actions.
2. Interpretation and subjectivity, legal science problems can not only be reasoned through positivism, but also pragmatism and rationalism, legal science can be seen as a scientific discipline that requires logical and rational thinking to understand, apply and develop legal norms, as well as provide practical solutions and concrete. This then has an impact on the subjectivity or point of view of each individual in showing the complexity of the characteristics of legal science in applying legal principles, theories and concepts, which aim to realize legal ideals.
3. Interdisciplinary, legal science does not only focus on legal issues, but can also come into contact with other scientific disciplines, namely sociology, economics, psychology, history, and so on which are related to social and societal aspects.
4. special methods, studying legal science requires special methods and approaches, both normative and empirical, both of which aim to be a form of juridical analysis in interpreting the law and finding legal

solutions to certain problems that involve conceptual legal research, jurisprudence, or specific case studies. This provides space to explore points of view in analyzing legal theories, legal principles, and legal concepts that are adapted to applicable law.

5. Dynamic, dynamic legal science always changes and develops in response to social, cultural and political changes so that legal science continues to balance norms with the needs of society.
6. Complexity of cases and jurisprudence, that legal science in seeking solutions and truth to legal problems refers to observations of cases and studies of jurisprudence by analyzing the legal theories of judges in expressing opinions through ratio decidendi.

These characteristic limitations then make legal science sui generis to identify legal science as a unique and complex scientific discipline, a subjective point of view influences this in analyzing legal science based on a philosophical thought framework. Through the philosophy of science, legal science can be explored and understood with regard to the philosophical implications that arise based on the special nature of legal science, with philosophical thinking, it can be considered and develop existing legal concepts and theories so that the essence of legal science can then be discovered as a sui generis science.

### **Conclusion**

The position of legal science from the perspective of the philosophy of science can be found that legal science is a practical, normological science, with sui generis characteristics, namely normative ones obtained based on a pragmatic theory of truth with practical problem-solving propositions, so that a proposition is prescriptive. Parameters or limitations of the characteristics of legal science as sui generis through the character of normative science, terminology, type and scope of science, as well as layers of legal science, if analyzed based on schools in the philosophy of science, apart from normative legal science, sui generis characteristics can be identified through interpretation and subjectivity, interdisciplinary, special methods, dynamic, as well as the complexity of cases and jurisprudence.

### **Suggestion**

Legal science practitioners need to understand the history of the development of law as the key to identifying sui generis characteristics in legal science through analysis of legal theory, legal concepts, and legal principles philosophically in certain conceptual viewpoints as fundamental to legal science, apart from that, legal research is also needed. Conceptually, with the methods used in legal science, namely normative and empirical, to be able to understand the concrete application of legal science as sui generis to legal problems.

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