

**Suhardi Somomoeljono<sup>1</sup> | The Ideas of A Comprehensive Legal Theory Paradigm**

**Abstract**

The Comprehensive Legal Theory represents a conceptual approach that seeks to integrate various streams of legal thought normative, empirical, and critical—into a unified analytical framework. This idea stems from the awareness that the dynamics of modern society demand a legal system that is not only based on written norms and regulations but also takes into account social, cultural, economic, political, and substantive justice considerations. The theory incorporates elements of legal positivism, natural law theory, and sociological jurisprudence to form a holistic perspective in understanding, interpreting, and applying the law. This comprehensive approach emphasizes multidisciplinary analysis, the use of normative-empirical legal research methods, and recognition of the legal pluralism that exists in society. Consequently, the Comprehensive Legal Theory offers a responsive framework capable of addressing social change and meeting the challenges posed by globalization, technological advancement, and the complexities of legal relationships in the contemporary era.

**Keywords:** The Ideas, Comprehensive Legal, Theory Paradigm

**A. Introduction**

The concept of the Comprehensive Legal Theory originates from the author's doctoral research at Borobudur University (UNBOR) in 2015, which examined the policy of the Government and Bank Indonesia (BI) regarding the 2008 Bank Century bailout (Suhardi Somomoeljono, 2016). This idea is dedicated to the advancement of legal science, which continues to face challenges due to societal developments particularly in relation to the rapid growth of information technology and the internet. These developments, both directly and indirectly, have influenced human behavior and interactions in everyday life (Suhardi Somomoeljono, 2021).

In social interactions, relationships between human legal subjects and other legal subjects, whether individuals or legal entities, often give rise to differences of opinion that may lead to legal disputes. In such cases, the law serves as an instrument to deliver fair resolutions for justice seekers, whether in legislative, executive, or judicial forums (Rahardjo, 2005).

The Comprehensive Legal Theory is introduced to the public as a contribution to the development of national law, grounded in the author's dual role as both legal practitioner and academic. Such thinking cannot be separated from academic and professional responsibilities in research, development, education, and community service, contributing to the enrichment of legal science (Nonet & Selznick, 1978). While the theory is still subject to refinement, it is expected that legal scholars and experts from related disciplines will further test, examine, and improve it (Pound, 1912).

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The essence of the Comprehensive Legal Theory stems from the author's dissertation research and is linked to a Javanese proverb, *kriwikan dadi grojogan*, which means "a small matter left unchecked can grow into a major problem." This wisdom can serve as the basis for legal policy teaching that in certain circumstances, state authorities (executive, judicial, or legislative) may justifiably set aside positive law, "crossing and bypassing" existing legal provisions to protect public interests and achieve justice (Siregar, 2024).

From this perspective, decision-makers are encouraged to act with integrity, prioritizing legal certainty, utility, and justice, while avoiding opportunistic behavior exploiting situations for personal or group gain through unlawful means (Siregar, 2024).

The foundation of this paradigm is rooted in the author's doctoral dissertation entitled "*The Determination of the Bailout of Bank Century by Bank Indonesia as a Systemically Failed Bank in the Perspective of the Indonesian Legal System*". The research was triggered by a 2008 inquiry from the Indonesian House of Representatives (DPR) regarding the bailout, addressed to then-Governor of Bank Indonesia, Prof. Boediono. The DPR sought to know the theoretical basis for the bailout decision. The government's response, however, did not provide a specific legal theory, merely citing fear of rumored consequences raising the question of whether rumors can legitimately serve as the foundation for state policy (Nicolson, 2025).

This led the author to investigate whether rumors could be grounded in a legal theory to justify such a decision (Nguyen et al., 2025). The analogy of *kriwikan dadi grojogan* illustrates that a small stream, if left unrepaired, can swell into a large, destructive flow.

As Koentjaraningrat explains, scientific inquiry involves moving systematically from concrete observations of real-world events to abstract generalizations through the inductive process. A theory is the most essential tool of any science; without it, we have only disconnected facts, not knowledge. In addition to drawing generalizations from observed facts, theory also: (1) provides an orientation framework for analyzing and classifying data; (2) predicts new phenomena; and (3) fills gaps in our understanding of existing or ongoing phenomena (Siregar & Mustafid, 2024).

## **B. Theoretical Framework**

### **1. Definition of Comprehensive Legal Theory**

Comprehensive Legal Theory is a legal thinking paradigm that seeks to integrate various streams of legal theory into a single unified analytical framework. This paradigm stems from the awareness that law cannot be understood solely from one dimension—such as written norms or juridical logic but must be viewed as a multidimensional phenomenon encompassing normative, empirical, philosophical, sociological, economic, political, and cultural aspects (Susetyo & Pradana, 2024).

This approach combines elements from:

- a. Legal Positivism – emphasizing the supremacy of written legal norms and legal certainty.
- b. Natural Law Theory – prioritizing moral principles and universal justice inherent in law.
- c. Sociological Jurisprudence – viewing law as a product of social interaction and a tool for social engineering.
- d. Critical Legal Studies – highlighting the role of power relations, ideology, and bias in the formation and application of law.

By integrating these dimensions, this theory aims to produce a more holistic legal analysis relevant to contemporary developments.

## 2. Philosophical Foundations

The philosophical foundations of Comprehensive Legal Theory rest on three main pillars:

- a. Ontological – law is seen as a complex entity comprising normative texts, institutional practices, and social realities.
- b. Epistemological – legal knowledge is obtained through a combination of normative, empirical, and critical methods.
- c. Axiological – the purpose of law is directed toward achieving a balanced substantive justice, social utility, and legal certainty.

This paradigm rejects the sharp dichotomy between “law as norms” and “law as social facts,” as both complement each other (Purwono, 2024).

## 3. Core Principles

Comprehensive Legal Theory is based on the following principles:

- a. Integrated Approach – combining normative, empirical, and philosophical analyses in legal studies.
- b. Multidisciplinary – adopting insights from social sciences, politics, economics, anthropology, and technology.
- c. Responsiveness to Change – adjusting legal analysis to the dynamics of globalization, digitalization, and legal pluralism.
- d. Substantive Justice – prioritizing the value of justice over mere procedural certainty.
- e. Public Participation – recognizing the role of society in the formation and oversight of law (Junaidi, Pujiono, & Fadzil, 2024).

## 4. Relationship with Other Legal Theories

The Comprehensive Legal Theory paradigm is not a replacement but an evolution of existing legal theories. It accommodates the strengths of each approach while addressing their limitations. For example:

- a. From Legal Positivism, it adopts certainty and systematic structure.
- b. From Natural Law, it adopts morality.
- c. From Sociological Jurisprudence, it adopts contextual social understanding.
- d. From Critical Legal Studies, it adopts awareness of structural bias.

## 5. Relevance and Implications

The application of Comprehensive Legal Theory is relevant for:

- a. Law-making – producing regulations that align with moral values, are based on social realities, and still ensure legal certainty.
- b. Law enforcement – guiding judges, prosecutors, and law enforcement officers to interpret law proportionally between text and context.
- c. Legal reform – integrating digital legal innovations, recognition of legal pluralism, and human rights principles (Kongres, Kogin, & Susilawati, 2024).

## C. Methods

Research on the Comprehensive Legal Theory paradigm can use normative-empirical legal research with a qualitative analysis method (Putra, Sugianto, & Rana, 2024).

## **1. Types of Research**

- a. Normative Legal Research – to analyze positive legal norms, legal principles, and doctrines relevant to the comprehensive theory.
- b. Empirical Legal Research – to examine the effectiveness, implementation, and public as well as practitioners' perceptions of this paradigm (Farida, 2024).

## **2. Research Approaches**

- a. Statute Approach – reviewing laws and regulations as the object of analysis.
- b. Conceptual Approach – examining legal theory concepts that form the basis for the comprehensive paradigm.
- c. Sociological Approach – observing the social realities influencing law-making and implementation.
- d. Historical Approach – analyzing the development of legal theories that have created the need for a new paradigm (Najmudin, Mukhlas, & Khosyiah, 2023).

## **3. Data Sources**

- a. Primary Legal Materials – laws, court decisions, and official documents.
- b. Secondary Legal Materials – books, legal journals, scholarly articles, and prior research findings.
- c. Tertiary Legal Materials – legal dictionaries, legal encyclopedias, and regulation indexes.

## **4. Data Collection Techniques**

- a. Literature Study – reviewing relevant legal and non-legal literature.
- b. Interviews – with academics, legal practitioners, policymakers, or judges for practical perspectives.
- c. Field Observation – observing the practical application of law in contexts relevant to the comprehensive paradigm (Sukmana, Kurniati, & Sultan, 2023).

## **5. Data Analysis Techniques**

- a. Using qualitative analysis with a descriptive-analytical method to describe, compare, and synthesize normative and empirical findings.
- b. Applying deductive reasoning (from general theory to specific cases) and inductive reasoning (from field data to general conclusions) to produce integrative recommendations.

## **6. Data Validity**

Validity is ensured through triangulation of sources and methods, comparing data from legal documents, interviews, and observations to achieve high reliability (Alamsyah et al., 2023).

## D. Result

The results of this study show that, from the perspective of traditional economic theory, it is evident that Bank Century did not need to be rescued. Based on its fundamental data, Bank Century was a small bank in terms of assets and its role in the banking system (thus unlikely to trigger contagion to other banks). Consequently, the majority of members of the Indonesian House of Representatives (DPR) chose the option declaring that the bailout of Bank Century was a misguided policy. The DPR's inquiry (Hak Angket) even recommended that the Corruption Eradication Commission (KPK) investigate the bailout process on suspicion of unlawful acts related to corruption (Tomakati, 2023).

However, the author's legal research using **Behavioral Finance Theory (BFT)** provides a different perspective acknowledging that economic actors sometimes behave irrationally. In this case, the view that Bank Century was small and its closure would not have systemic effects would only apply in normal economic conditions (Marif & Nurhaedah, 2024).

Historically, in 2008 when the Bank Century issue emerged the economy was in an abnormal state, facing a global economic crisis. In such a crisis, closing a bank, no matter how small, could pose systemic risks. Negative news and market sentiment could erode public trust in the monetary authorities and the government (N, Rizqia Aufa, & Rohima, 2024).

In fact, Behavioral Finance Theory could serve as the theoretical basis to justify the use of "rumors" as a policy consideration by Bank Indonesia in declaring Bank Century a "Systemically Important Failed Bank." However, in 2008, neither the Government nor Bank Indonesia applied BFT as the underlying legal theory, even though it already existed albeit still relatively new at the time (Rastiawaty & Alrip, 2024).

If we relate this to the Javanese proverb *kriwikan dadi grojogan* ("a whisper can become a waterfall"), the idea is that neglecting small matters can lead to large consequences. A rumor, if not addressed early with preventive measures, may grow into a major event harming public interest (Siregar & Mustafid, 2024).

From a philosophical standpoint of logical reasoning, the law must be continuously explored to discover values of justice derived from policy-making. The presence of law should not complicate the pursuit of justice but rather facilitate it, fulfilling one of its core purposes: the realization of justice (Yanuar Harry Assadyra, Aullia, & Muthia Shafa Helvira, 2024).

Positive law, philosophically perceived as formalistic, often struggles in practice to realize justice for society. Justice measured solely by legalistic parameters tends to emphasize procedural fairness, which can marginalize substantive justice. When the legal system is overly formalistic, it risks becoming an obstacle to justice (Andini Yuliani, Tasya, Panca Joko Yesiko Yassin, & Septiany, 2024).

Therefore, in any rule-of-law state, the value of justice must be continuously sought and tested from a broad range of competent sources, including:

- a. Fair policies by authorities.
- b. Local wisdom.
- c. Expert opinions.
- d. Legal doctrines.
- e. Legal principles.
- f. Legal theories.
- g. Jurisprudence.
- h. Legal interpretations.
- i. Positive law.
- j. Comparative law.
- k. Statutory provisions.
- l. Legal maxims. (Fitriani, 2024).

Authorities within the **Trias Politica** spectrum—judiciary, executive, and legislature—should continuously draw from these sources to achieve a fair and humane legal system. Law must not stop at achieving purely procedural, legalistic justice; it must prioritize substantive, non-legalistic justice (Putri et al., 2024).

It should also be acknowledged that legalistic law cannot be entirely abandoned. Positive law, created by the legislature as a manifestation of the people's will under the theory of popular sovereignty, remains essential. Nevertheless, lawmakers and law enforcers must selectively and wisely harmonize legalistic and non-legalistic approaches to proportionately realize justice (Baren Sipayung, Sarosa Hamongpranoto, & Nur Arifudin, 2024).

## E. Discussion

### 1. Emergence of the Paradigm

The development of law in the era of globalization is characterized by increasing complexity in social, political, economic, technological, and cultural issues. Conventional legal approaches, confined to a single school of thought, often fail to adequately address multidimensional problems. For example, legal positivism prioritizes legal certainty but frequently neglects substantive justice. Conversely, natural law theory emphasizes universal moral values but can be challenging to operationalize within a positive legal system (Susetyo & Pradana, 2024).

This situation has created the need for a new paradigm capable of integrating the strengths of various legal theories while minimizing their weaknesses. This is where the Comprehensive Legal Theory emerges, viewing law as a multidimensional entity that must be analyzed through a combination of normative, empirical, philosophical, and critical approaches (Hutabarat et al., 2024).

### 2. The Nature of Comprehensive Legal Theory

Comprehensive Legal Theory positions law as the result of interactions between written norms, moral values, social realities, and power dynamics. This approach rejects monodisciplinary perspectives and instead promotes the integration of multidisciplinary and transdisciplinary approaches (Faizah, 2021).

This paradigm is built on the assumption that:

- a. Law must provide certainty (principle of positivism).
- b. Law must align with moral justice (principle of natural law).
- c. Law must be relevant to social realities (principle of sociological jurisprudence).
- d. Law must be aware of power dynamics and potential bias (principle of critical legal studies).

#### Dimensions of Comprehensive Legal Theory

- a. Normative Dimension – Refers to legislation, legal principles, and doctrines that shape the framework of positive law, ensuring legal certainty and interpretive consistency.
- b. Philosophical Dimension – Focuses on fundamental values of justice, morality, and ethics as the spirit of every legal system, ensuring law is not merely *rule by law* but also *rule of justice*.
- c. Sociological Dimension – Examines law as a social phenomenon influenced by culture, economy, politics, and social structures, requiring law to be adaptive to societal dynamics.

- d. Critical Dimension – Identifies and critiques power relations, biases, and ideologies that influence the formation and application of law, helping to expose potential structural injustices (Rismana & Hariyanto, 2021).

#### Strengths of the Comprehensive Legal Theory Paradigm

- a. Integrative – Combines the strengths of various legal theories without being trapped in the dogmatism of a single school.
- b. Flexible – Applicable in multiple contexts, including lawmaking, law enforcement, and legal reform.
- c. Responsive – Adaptive to social change, technology, and globalization.
- d. Substantive Justice-Oriented – Emphasizes not only procedure but also fair outcomes (Syahyu & Fitriana, 2021).

### 3. Implementation Challenges

Despite its advantages, the application of Comprehensive Legal Theory faces several challenges, including:

- a. Resistance from those firmly adhering to a single legal paradigm.
- b. Limited human resource capacity in applying a multidisciplinary approach.
- c. Structural barriers within a rigid and bureaucratic legal system.
- d. Potential conflicts between universal moral values and existing positive law (Iskandar, Sudrajat, et al., 2021).

### 4. Implications for the Indonesian Legal System

In Indonesia, Comprehensive Legal Theory could play a significant role in:

- a. Legislation Development – Ensuring regulations align with Pancasila values, positive law, and societal needs.
- b. Law Enforcement – Allowing judges to consider substantive justice alongside legal certainty.
- c. Legal Reform – Encouraging legal updates that accommodate legal pluralism (state law, customary law, and religious law) in a balanced manner (Yulianti & Handayani, 2021).

## F. Conclusion and Suggestion

### 1. Conclusion

The concept of the Comprehensive Legal Theory emerged as a response to the limitations of single-paradigm legal approaches in addressing the complexities of legal issues in the era of globalization. This paradigm views law as a multidimensional entity shaped by the interaction between written norms, moral values, social realities, and power dynamics. By integrating normative, philosophical, sociological, and critical approaches, this theory seeks to combine the strengths of various schools of legal thought—such as legal positivism, natural law, sociological jurisprudence, and critical legal studies—without being confined to the dogmatism of any single school.

The primary strengths of this paradigm lie in its integrative, flexible, responsive, and substantive justice-oriented nature. However, its implementation faces several challenges, including resistance from conservative circles, limited human resource capacity, structural barriers within the legal system, and potential conflicts between universal moral values and prevailing positive law. In the Indonesian context, the adoption of this paradigm has the

potential to strengthen legislative development, improve the quality of law enforcement, and promote legal reforms that accommodate legal pluralism.

## 2. Suggestion

- a. Strengthening the Capacity of Legal Human Resources. The government, legal education institutions, and professional organizations should develop multidisciplinary training programs to ensure that law enforcement officers, academics, and policymakers can understand and implement the Comprehensive Legal Theory paradigm effectively.
- b. Regulatory and Institutional Reform. The legal system should be made more adaptive by providing space for the integration of moral values, social realities, and critical analysis without sacrificing legal certainty. Institutional reform is also necessary to reduce bureaucratic barriers that hinder the application of this paradigm.
- c. Further Research and Theoretical Development. Empirical studies are needed to evaluate the effectiveness of applying this paradigm across various legal sectors criminal, civil, and administrative to refine its theoretical framework.
- d. Mainstreaming Pancasila Values and Legal Pluralism. The implementation of this paradigm in Indonesia should align with the values of Pancasila and accommodate legal pluralism (state law, customary law, and religious law) in a balanced manner, ensuring that substantive justice is contextually relevant to Indonesian society.

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