

Integrating Spinoza's Philosophy of Civil Law into Indonesian Judicial Reasoning: Toward a Justice-Oriented Legal Framework

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Abstract

Previous studies on Spinoza have generally focused on his political and theological philosophy, while the application of his concept of civil law in judicial decision-making practice has been rarely discussed, creating a research gap in the context of its application to modern legal systems. This research aims to integrate Spinoza's philosophy of civil law—rooted in rationality, equality, and moral order—into the framework of judicial consideration in Indonesia, where the balance between positive law and justice remains challenging. Using a normative juridical method with statutory, comparative, and conceptual approaches, this research examines relevant legal provisions and comparative practices from democratic countries such as the United States, France, Germany, India, and New Zealand, as well as the philosophical foundations of Spinoza's thinking on civil law and justice. The research findings indicate that Spinoza's view of law as a rational agreement based on moral necessity aligns with the principles of freedom, equality, and human dignity in the Indonesian Constitution. Integrating this idea into legal considerations can guide judges to move beyond formalistic interpretations towards justice oriented towards morality and humanity. Theoretically, this research contributes by offering a philosophical framework for rational legal reasoning, while practically providing a model for balancing legal certainty with moral justice in judicial practice and law enforcement in Indonesia.

Keywords: *Spinoza; Civil Law; Justice; Judge's Decision; Indonesian Legal System.*

Introduction

An independent and impartial judge is the foundation of a rule-of-law state, reflecting the principle of a fair trial.¹ An independent judge makes a fair

¹ Lotta Maunsbach, "Procedural Aspects on Impartial and Independent Judging-How Can a Court Decide Whether Another Court and Its Judges Are Impartial and Independent?,"



decision more likely to be reached. However, even though the rule of law is enforced through independent judges, judges should not be seen as absolute power holders. Understanding tyranny in ancient Greek and modern contexts is often inadequate to explain its diverse meanings. Like Plato and Aristotle, Pindar and Herodotus argued that tyrants experience 'tyrannical progress.' "Tyrannos" refers to an absolute ruler with power and wealth within the polis. Although not all tyrants are evil, absolute power is believed to corrupt morals, as Lord Acton stated: "Power tends to corrupt, and absolute power corrupts absolutely".²

Efforts to protect citizens from judicial tyranny, as reflected in the concept of "trias politica and checks and balances, are crucial to prevent judges from acting arbitrarily.³ Article 24 (1) of the 1945 Constitution of the Republic of Indonesia (the Indonesian Constitution) states that judicial power is tasked with upholding law and justice. As the foundation of a state of law, the Indonesian Constitution serves as a guide for judges in realizing law and justice. In this regard, judges must adhere to the goals of the Indonesian state as stated in the Preamble of the Indonesian Constitution, namely "to protect the Indonesian nation, promote general welfare, and maintain world order based on independence, lasting peace, and social justice".⁴

In civil law, Baruch Spinoza considered it a tool of the state to create peace and security, allowing citizens to develop their intellectual and moral potential.⁵ Civil law is not only for enforcing compliance but also for realizing the state's goals, which differ from those of other institutions, such as religion or social institutions.⁶ As enforcers of civil law, judges must align their decisions with the goals of the Indonesian state as mandated in the Constitution, ensuring that their rulings reflect the common good and the sustainability of society, despite being limited by human conditions and the social environment.

Giornale Di Storia Costituzionale 2, no. 44 (2022): 131–53, <https://www.law.lu.se/lotta-maunsbach/publication/66019d96-08ae-4dd2-9264-18ba88e237d5>.

² Edmund Stewart, "Tyranny in Tragedy," *Polis: The Journal for Ancient Greek and Roman Political Thought* 40, no. 2 (April 25, 2023): 234–58, <https://doi.org/10.1163/20512996-12340407>.

³ Andrew Christison and Warren Freedman, "The 'Separation Of Powers And The Non-Delegation Doctrine In Re Constitutionality of the Mpumalanga Petitions Bills, 2000 2000 1 SA 447 (CC); 2001 11 BCLR 1126 (CC)," *Obiter* 25, no. 1 (July 24, 2023), <https://doi.org/10.17159/obiter.v25i1.16533>.

⁴ Melisa Nasir et al., "Kedudukan Hukum Dalam Mewujudkan Keadilan Dan Kesejahteraan Di Indonesia," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (February 23, 2023): 241–54, <https://doi.org/10.37680/almanhaj.v5i1.2084>.

⁵ Aurora Yu, "Spinoza on Miracles and Natural Laws," *Belgrade Philosophical Annual* 37, no. 2 (2024): 157–79, <https://doi.org/10.5937/BPA2402157Y>.

⁶ Gail Belaief, "The Concept of Civil Law in Spinoza," in *Spinoza and Law* (Routledge, 2017), 271–91, <https://doi.org/10.4324/9781315087757-14>.

Spinoza's thinking has been extensively studied by researchers from various perspectives. For example, Boleslaw Z. Kabala and Thomas Cook compared Spinoza's and Hobbes' views on natural rights. According to them, Hobbes emphasized the importance of public education strictly regulated by the state. At the same time, Spinoza was more cautious because he believed the state should not go too far in regulating how its citizens think.⁷ Jason Hoult also wrote that Spinoza supported the importance of public education but cautioned that if education were made the state's primary tool, it could strengthen superstition and limit rationality. Therefore, according to Spinoza, education must be balanced by the role of social institutions and civil religion.⁸ Julie R. Klein observed that Spinoza's ideas about political change remain relevant because they demonstrate how power shifts can strengthen or even destroy a state.⁹ Keith Green highlights Spinoza's views on hatred and forgiveness. Spinoza rejected revenge as a just action and considered forgiveness possible only when it aligned with the conditions and laws of civil society.¹⁰

Jiří Příbáň discusses Spinoza's thinking on the difference between *potentia* (social power that lives within society) and *potestas* (official and institutionalized political power). According to him, the state's power comes from the people's social strength, and legal legitimacy cannot be separated from that social foundation. This thinking relates to Foucault's critique of power being too centralized in the state.¹¹ Taylor researched the work *Tractatus Politicus* (1677) and explained that Spinoza wanted to show how the state could achieve the “highest good” by guaranteeing the freedom of its people through rational laws. This view was influenced by Aristotle, Machiavelli, and the political situation in the Dutch Republic after 1672.¹²

Pedro Cerezo Galán emphasizes that although Hobbes and Spinoza started from the same foundation, they differed in their views on the role of

⁷ Boleslaw Z. Kabala and Thomas Cook, “Hobbes and Spinoza on Sovereign Education,” *Philosophies* 7, no. 1 (January 8, 2022): 6, <https://doi.org/10.3390/philosophies7010006>.

⁸ Jason Hoult, “The Freedom of Religion Is a Divine Idea,” *Svenske Teologiske Kvartalskrift* 98, no. 2 (November 18, 2022): 123–46, <https://doi.org/10.51619/stk.v98i2.24620>.

⁹ Julie R. Klein, “Spinozan (Trans) Formations,” in *Transformation and the History of Philosophy* (London: Routledge, 2023), 155–71, <https://doi.org/10.4324/9781003056409-14>.

¹⁰ Keith Green, “Spinoza on Hatred and Power and the Challenge of Reconciliation,” in *Conflict and Resolution: The Ethics of Forgiveness, Revenge, and Punishment* (Cham: Springer International Publishing, 2022), 59–81, https://doi.org/10.1007/978-3-030-77807-1_4.

¹¹ Jiří Příbáň, “Constitutional Imaginaries and Legitimation: On *Potentia*, *Potestas*, and *Auctoritas* in Societal Constitutionalism,” *Journal of Law and Society* 45, no. S1 (July 18, 2018), <https://doi.org/10.1111/jols.12118>.

¹² Dan Taylor, “The Reasonable Republic? Statecraft, Affects, and the Highest Good in Spinoza’s Late *Tractatus Politicus*,” *History of European Ideas* 45, no. 5 (July 4, 2019): 645–60, <https://doi.org/10.1080/01916599.2019.1592382>.

religion in politics: Hobbes tended to support absolute power. At the same time, Spinoza defended freedom of conscience and freedom of thought.¹³ Chantal Jaquet discusses how Spinoza viewed anger or indignation not as a political right but as part of the law of war; faithful obedience can arise from rejecting irrational commands.¹⁴ Susan James writes that Spinoza believed civil rulers should control religious affairs to maintain order, even though this might require personal sacrifices from citizens. Therefore, Spinoza's view on freedom of conscience differs from the concept of individual freedom in modern liberalism.¹⁵ Meanwhile, Stefano Visentin explained that for Spinoza, the ideal state is free and peaceful, where security and freedom do not contradict each other but reinforce each other. According to him, political peace is not the result of coercion but rather the outcome of shared consciousness and rational, harmonious social relations managed by strong democratic institutions.¹⁶

Unlike previous studies that only examined Spinoza's thoughts on political philosophy or made theoretical comparisons with Hobbes, Foucault, and Machiavelli without applying them to legal practice, this study offers novelty by integrating Spinoza's civil law concept into the framework of judicial considerations in Indonesia. The novelty of this research lies in the effort to translate Spinoza's ideas into a normative-practical model for judges in Indonesia. Based on this, this study poses two questions: Firstly, what is Spinoza's civil law concept? Secondly, how can this concept be integrated into judges' decisions in Indonesia? The purpose of this research is to clarify the relevance of Spinoza's thinking to the Indonesian legal system and to formulate a conceptual guide for judges so that the decisions they make are not only in accordance with positive law but also reflect rational, humane justice that is in harmony with the goals of the Indonesian rule of law state.

This research employs a normative juridical method focusing on analyzing legal norms, principles, doctrines, and theories relevant to Indonesia's legal system and Spinoza's philosophy of civil law. The method builds a coherent analytical framework linking philosophical rationality and judicial practice through statutory, comparative, and conceptual approaches. The statutory approach examines legal provisions on judicial authority and the

¹³ Pedro Cerezo Galán, "Democracia versus Absolutismo. Contraste Teológico-Político Entre Baruch de Spinoza y Thomas Hobbes," *Anales de La Cátedra Francisco Suárez* 53 (December 7, 2018): 209–42, <https://doi.org/10.30827/acfs.v53i0.7780>.

¹⁴ Chantal Jaquet, "Critique de l'indignation Désobéissance et Obéissance Absolue Chez Spinoza," *Revue Internationale de Philosophie* n° 295, no. 1 (December 14, 2020): 55–72, <https://doi.org/10.3917/rip.295.0055>.

¹⁵ Susan James, "Freedom of Conscience and Civic Peace," in *Spinoza on Learning to Live Together* (Oxford University PressOxford, 2020), 154–66, <https://doi.org/10.1093/oso/9780198713074.003.0011>.

¹⁶ Stefano Visentin, "From Security to Peace and Concord," *Theoria* 66, no. 159 (July 1, 2019): 71–90, <https://doi.org/10.3167/th.2019.6615905>.

principles of justice, freedom, and equality as reflected in the Indonesian Constitution, Law No. 48 of 2009 on Judicial Power, and related regulations to establish a normative basis for integrating moral and rational values into judicial reasoning. The comparative approach explores best practices from countries such as the United States, France, Germany, India, and New Zealand that uphold freedom, equality, and human dignity in their legal systems, providing lessons adaptable to Indonesia's rule-of-law framework. The conceptual approach analyzes Spinoza's key ideas on civil law, justice, and natural law to formulate a theoretical model guiding judges in balancing positive law with moral rationality. Data are derived from secondary legal materials—books, scholarly articles, and legislation—and analyzed using qualitative-descriptive and interpretive techniques through data reduction, legal interpretation, and conceptual reconstruction. This structured methodology produces an operational framework for integrating Spinoza's legal philosophy into Indonesian judicial reasoning.

Discussion

Spinoza's Concept of Civil Law

Thinking on civil law stems from his view that the primary purpose of the state is to guarantee security and peace, allowing citizens to develop their intellectual and moral lives without fear or threat.¹⁷ According to Spinoza, the state creates an order that allows individuals to live free from external interference and ensures society can flourish in peace. In this regard, Spinoza clearly distinguishes between natural law and civil law. Natural law stems from the inherent rights of every individual, which are inherent from birth, originate from the essence of God, and are absolute in the universe. In contrast, civil law is a product of collective agreement through a social contract, is historical, arises from society's political experience, and can change according to social developments and the needs of the times.¹⁸ Civil law regulates relationships between individuals in society and is a construction created based on mutual consensus, not an absolute or universal law.

Spinoza believed that everything in the universe operates according to a necessary and causal order that can be traced back to God as the sole substance. He rejected the concept of free will, which considers individuals absolute freedom in their actions. Conversely, Spinoza argued that causes beyond their control determine human actions and decisions. This reflects Spinoza's deterministic view, where human will is not separate from a larger and deeper causal relationship, namely the natural laws that govern everything. According to Spinoza, humans often think they act based on free will, when in

¹⁷ Belaief, "The Concept of Civil Law in Spinoza."

¹⁸ Yu, "Spinoza on Miracles and Natural Laws."

reality they are influenced by factors they are unaware of, such as natural laws that operate beyond their understanding.¹⁹

The importance of understanding Spinoza lies in illustrating how civil law, although from human agreement, cannot be completely detached from the higher and inevitable principles of natural law. The state, as a legal entity, although formed by human will, still functions within a larger framework of natural law that governs human life. Therefore, although civil law is based on social agreement and can change over time, it remains rooted in the fundamental principles found in natural law.

The natural state of man is characterized by absolute freedom to defend oneself, which often leads to conflicts of interest. To avoid chaos, individuals surrender some of their rights to a common authority—the state—which functions to regulate and protect communal life. This surrender of rights is not a complete loss of freedom, but rather a transformation of natural freedom into civil freedom guaranteed by civil law. In this form, civil law is a manifestation of the collective power of the people (*potentia multitudinis*) that regulates social cooperation, protects citizens' rights, and ensures order.²⁰

For Spinoza, justice is not an abstract value floating above reality but something determined by the positive laws in force within a state. He defined it as “the constant will to accord to each person what is rightfully theirs according to civil law”; thus, the concept of justice is only relevant within the framework of the state. Outside of a country, no measure of justice has binding force.²¹ Thus, justice is constitutive of the state's existence: without regulating laws, justice loses its footing, and without justice enforced by law, the state loses its legitimacy. Spinoza argued that the legitimate law source is the people's agreement, which forms political sovereignty. Law is the expression of constituent power (*potestas*) that arises from the historical experience of a society. Therefore, civil law must be responsive to power dynamics and adaptable to social changes to remain effective.²²

Spinoza interpreted the principle of *sum cuique tribuere*—giving to each person what is rightfully theirs—within the framework of formal law and in the context of ontological, political, and legal equality. According to him, egalitarian and inclusive civil law will more effectively create social order,

¹⁹ Jason Maurice Yonover, “Nietzsche, Spinoza, and Etiology (On the Example of Free Will),” *European Journal of Philosophy* 29, no. 2 (June 3, 2021): 459–74, <https://doi.org/10.1111/ejop.12597>.

²⁰ Manfred Walther, “Natural Law, Civil Law, and International Law in Spinoza,” in *Spinoza and Law* (Routledge, 2017), 293–301, <https://doi.org/10.4324/9781315087757-15>.

²¹ Johan Olsthoorn, “Spinoza On Human And Divine Justice,” *History of Philosophy Quarterly* 33, no. 1 (October 7, 2016): 21–41, <http://www.jstor.org/stable/44076605>.

²² Filippo Del Lucchese, “Spinoza and Constituent Power,” *Contemporary Political Theory* 15, no. 2 (May 7, 2016): 182–204, <https://doi.org/10.1057/cpt.2015.39>.

strengthen unity, and reduce the likelihood of conflict.²³ Thus, equality is a moral goal and a political strategy to maintain state stability.

Furthermore, Spinoza asserts that citizens are not entitled to judge truth or justice outside the framework of existing positive law, as such an attitude would undermine legal authority and trigger division. Compliance with the state's laws is an absolute requirement for maintaining political unity. In this case, civil law serves as the primary instrument of social order, enforced under the authority of an undivided state. However, Spinoza also recognized the importance of freedom of thought (*libertas philosophandi*) as long as it did not interfere with obedience to the law. Guaranteed freedom of thought strengthens stability, allowing for rational criticism without threatening adherence to the law. Despite having full authority, civil law remains distinct from natural law because of its flexible, changeable nature and its evaluation based on its ability to effectively regulate social life, rather than on ideal moral perfection.^{24 25}

Thus, for Spinoza, civil law is not merely a technical device for regulating society but a concrete manifestation of the collective power of the people rooted in social, political, and historical agreements, aimed at shaping a safe, stable, and just state order while simultaneously maintaining a balance between obedience to the law and freedom of thought and limiting power to prevent it from becoming authoritarian.

Integration of Spinoza's Thought in Judges' Decisions in Indonesia

As a country that adheres to the civil or continental European legal system, Indonesia makes written regulations the main guideline for regulating community life.²⁶ This civil law system is recognized in the Indonesian Constitution in Article 1 (3), which states that Indonesia is a state of law, and is also reflected in the hierarchy of laws and regulations stipulated in Article 7 (1) of Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Laws and Regulations, which was last amended by Law Number 13 of 2022. This hierarchy includes: 1) The 1945 Constitution of the Republic of Indonesia; 2) Decree of the People's Consultative Assembly; 3) Law or Government Regulation instead of Law; 4) Government Regulation; 5)

²³ Andre Santos Campos, "Spinoza on Justice," *Epoché* 21, no. 1 (2016): 127–43, <https://doi.org/10.5840/epoche201682968>.

²⁴ Aurora Yu, "Spinoza's Invented Laws and the Imagination" (The University of North Carolina at Chapel Hill, 2022).

²⁵ Moa De Lucia Dahlbeck, "Spinoza, Legal Theory, and Artificial Intelligence: A Conceptual Analysis of Law and Technology," *SN Social Sciences* 2, no. 8 (August 9, 2022): 156, <https://doi.org/10.1007/s43545-022-00458-w>.

²⁶ Arsyad Aldyan, "The Indonesian State Law System Is Based on The Philosophy of Pancasila and Constitution," *Res Judicata* 6, no. 1 (August 4, 2023): 1, <https://doi.org/10.29406/rj.v6i1.4939>.

Presidential Regulation; 6) Provincial Regional Regulations; and 7) Regional Regulations of the Regency/City. Although the Indonesian Constitution does not explicitly detail concrete matters such as regulating “criminal law and criminal liability,” it remains the highest source of law. All regulations below it must be consistent and cannot contradict the content of the Constitution.

The contents of the Indonesian Constitution, which state the country's goals as “protecting the nation, promoting general welfare, and world order based on independence, eternal peace, and social justice,” reflect the principles of natural law that affirm the protection of fundamental human rights. In this context, natural law remains integral to the Indonesian legal system. As shown by the research of Usman Quddus and Dennis W. K. No, natural law affirms that every individual has inherent value and dignity that must be respected and protected. This includes fundamental rights such as life, liberty, physical and moral integrity, and equality before the law, without discrimination based on race, ethnicity, religion, gender, sexual orientation, or other personal characteristics. These values must be preserved and cannot be compromised.²⁷ Therefore, discussions about just laws become very important within the framework of the Indonesian legal system.

However, despite many legal theories opposing legal positivism, the term “natural law” is often misunderstood. Some views consider law to be the result of social processes, not natural law in the traditional sense. This demands a clear distinction between these theories and a proper understanding of natural law, which should not be equated with legal positivism, which considers law a fixed system separate from moral values.²⁸

Law must be understood as the result of social development that adapts to the needs of society. This approach differs from the positivist view, which considers law to be an immutable system, or from rationalist natural law, which views law as fixed and unchanging rules. In practice, law evolves with social dynamics, correcting existing injustices and adapting to the demands of the times.²⁹

Thus, in every judicial decision, it is important to balance written legal rules and the fundamental values of natural law that prioritize justice. In the Indonesian legal system, which recognizes an independent judiciary, judges are responsible for upholding the law and justice per the mandate of Article 24 (4) of the Indonesian Constitution. The article affirms that independent judicial power aims to administer justice to uphold the law and justice fairly and

²⁷ Usman Quddus and Dennis W. K. Khong, “Six Core Values in Natural Law as a Common Concern for Human Development,” *Cogent Social Sciences* 9, no. 1 (December 31, 2023), <https://doi.org/10.1080/23311886.2023.2225828>.

²⁸ Jeremy Shearmur, *Law, Legislation, and Liberty* (London: Routledge, 2022), <https://doi.org/10.4324/9781003320777>.

²⁹ Shearmur.

without external interference. Therefore, judges must consider written norms and the moral principles of natural law so that every judicial decision reflects a balanced approach between certainty and justice. In the Indonesian legal system, which follows the civil law system, although written rules are prioritized, the principles of natural law are still accommodated. Therefore, every judge's decision must balance legal certainty and justice.

According to Spinoza, justice is not innate or transcendental but rather is shaped by the state and existing legal systems. Justice for Spinoza is realized when the law is applied with the principles of rationality, equality, and individual freedom. This means that justice is not just about following the rules but also ensuring that the law is applied wisely, without being influenced by hatred or emotions that could undermine individual rights and social order. According to him, justice is a way to create a harmonious and just society through laws based on common sense and individual freedom.³⁰

However, in Spinoza's view, a contradiction needs to be considered. In the *Tractatus Theologico-Politicus* (1670), Spinoza states that justice depends entirely on the ruler's decisions and can change according to government policy. Conversely, in the *Tractatus Politicus* (1677), he stated that justice should arise from human social nature, which can be formulated into ideal forms underlying the structure of law and the state. To understand this, we must look at how Spinoza uses the concept of "being of reason" (*ens rationis*), which means that justice results from social agreement, not something natural and fixed.³¹ In other words, justice for Spinoza is a product of collective decisions within society, which continues to evolve according to specific circumstances.

Spinoza's view on justice also emphasizes the importance of moral principles based on reason and compassion. He distinguishes between laws based on fear or coercion and those that reflect a deeper understanding of human freedom and equality. According to him, true justice is only achieved when the law recognizes the rights of every individual and ensures that all citizens respect each other's rights. Thus, for Spinoza, justice is a moral obligation, not just a formal rule to be obeyed. This creates a democratic society where everyone has equal rights to participate in government and social life.³²

Spinoza also linked justice to the Golden Rule: "Love others as you love yourself." This principle leads to the formation of a society that respects individual freedom and supports each other to create collective well-being.

³⁰ André Kistler, "Truth and Justice in Spinoza's Theological–Political Treatise and the Ethics," *Laws* 12, no. 3 (April 28, 2023): 39, <https://doi.org/10.3390/laws12030039>.

³¹ Michael A. Rosenthal, "Spinoza on the Ontology of Justice: The Role of 'Beings of Reason' (*Entia Rationis*)," 2023, 117–35, https://doi.org/10.1007/978-3-031-23984-7_7.

³² Hoult, "The Freedom of Religion Is a Divine Idea."

Spinoza connects this moral principle with religious teachings, which emphasize the obligation to respect and love one another. In his view, justice comes from law or the state and a moral understanding that everyone must accept as the basis for a harmonious and just coexistence.³³

From Spinoza's thinking, we can conclude that every judge's decision in the Indonesian legal system should reflect legal certainty and justice based on universal moral principles, namely individual freedom and mutual respect. Thus, judges must be able to balance the strict application of the law with the recognition of individual rights and ensure that the decisions made can create a just and harmonious social order.

Spinoza argued that freedom and equality are fundamental principles in a just system. According to him, humans are born with freedom and equality as natural rights, and true freedom can only be realized in a political structure that ensures equal rights for all individuals. For Spinoza, freedom is not only being free from oppression but also achieved through a mutually agreed-upon legal system.³⁴ In his view, the freedom in question is realized through active participation in a government based on general consent, free from fear or oppressive power.

Spinoza's views on freedom and equality are rooted in immanence and human self-potential. According to him, true freedom comes from understanding nature and the essence of human beings, not from external authority or imposed laws. Equality, for Spinoza, stems from the fact that all individuals are expressions of the same substance, meaning no individual is superior to another.³⁵ Therefore, true freedom is the freedom to live authentically, free from external control, and based on the universal natural human condition. Spinoza proposed a vision of freedom and equality that does not depend on arbitrary will but instead on the ability to act according to one's true nature.

Spinoza linked freedom and equality in a very close manner. He argued that true freedom means the ability to think and express oneself without being subject to the will of others. According to Spinoza, equality is not about uniformity in individual qualities or desires, but rather about equal rights and power for every individual. Everyone has the same natural qualities, which makes them naturally equal and free. There is no freedom without equality;

³³ David Harmon, "From the Infinite to the Finite and Various: On Motion, Spinoza, and His (Meta) Physics" (The University of St Andrews, 2025), <https://research-repository.st-andrews.ac.uk/handle/10023/31910>.

³⁴ Sonja Lavaert, "Law and Freedom," *Roczniki Filozoficzne* 72, no. 3 (September 27, 2024): 7–34, <https://doi.org/10.18290/rf24723.1>.

³⁵ Miroslav Milovic, "Ius Sive Potentia: Paul and Spinoza," *Filozofija i Društvo* 31, no. 1 (2020): 84–97, <https://doi.org/10.2298/FID2001084M>.

conversely, there is no equality without freedom.³⁶

In his thinking, true freedom, according to Spinoza, is not the absence of external constraints but rather the ability to act according to one's nature and reason. This freedom means acting based on internal causes, such as adequate ideas, and not being controlled by external forces like desire or ignorance. This freedom is not about arbitrary choice but about living a life guided by reason and virtue. Equality, in Spinoza's view, refers to the equal right of every individual to freedom and power, regardless of varying individual abilities or characteristics. This equality refers to the right of every person to have equal natural freedom.

For Spinoza, freedom and equality are two inseparable things—when someone loses equality, they cannot be genuinely free, and vice versa. Their interdependence forms the basis of Spinoza's political theory, where the state is supposed to provide the conditions that allow individuals to live according to reason and exercise their freedom.³⁷ Overall, freedom and equality are closely intertwined and inseparable for Spinoza. Freedom, understood as living according to reason, and equality, understood as the equal right to acquire natural freedom, are the foundations of his political philosophy.

Spinoza's views on equality and freedom are closely related to reason, interpersonal relationships, and social well-being. For Spinoza, equality is not just a political right but the rational ability of each individual to control their desires and achieve freedom. True freedom arises from self-understanding and self-control following rational principles that lead to happiness. He also emphasized the importance of equality in social relationships, where every individual has an equal opportunity to develop and participate in social life. Equality and freedom, for Spinoza, are interconnected in the development of reason, which aligns with natural and social laws.³⁸

Spinoza's thoughts on freedom and equality have significant relevance in the context of civil rights and the enforcement of human rights. In Spinoza's terminology, civil law (*jus civile*) is not private law as it is known in the civil law system, but rather a rational rule resulting from social agreement (*civic law*) that governs relations between citizens within the framework of morality, rationality, and collective justice. This civil law, which in modern discourse intersects with civil rights, guarantees everyone has equal rights to think, express opinions, believe, and participate in government without

³⁶ Sonja Lavaert, "Passive Tolerance versus Political Engagement. Antistius Constans, Koerbagh, Van Den Enden, and Spinoza," *Roczniki Filozoficzne* 70, no. 4 (December 30, 2022): 297–317, <https://doi.org/10.18290/rf2204.11>.

³⁷ Steven Nadler, *Spinoza's Ethics* (Cambridge: Cambridge University Press, 2006), <https://doi.org/10.1017/CBO9780511815737>.

³⁸ Beth Lord, *Spinoza's Philosophy of Ratio* (Edinburgh University Press, 2018), <https://doi.org/10.1515/9781474420440>.

discrimination or repression.

Spinoza's concept of civil law aligns with the principles outlined in the 1948 Universal Declaration of Human Rights (UDHR), particularly Article 1, which states that “all human beings are born free and equal in dignity and rights,” and Article 7, which affirms that “all persons are equal before the law and are entitled without any discrimination to equal protection of the law.” The same principle is also affirmed in the 1966 International Covenant on Civil and Political Rights (ICCPR)—which has been ratified through Law Number 12 of 2005—which guarantees the right to freedom of thought, conscience, and expression as a fundamental civil right.

Various national legal systems around the world reflect these universal principles in practice. In the United States, the Bill of Rights and the Equal Protection Clause in the Fourteenth Amendment guarantee equality before the law and individual freedom from arbitrary state intervention.³⁹ In France, the Declaration of the Rights of Man and of the Citizen (1789) affirmed liberty, equality, and fraternity as the moral foundation of the republic.⁴⁰ In Germany, fundamental rights in the Basic Law guarantee human dignity (Menschenwürde) and equality as constitutional principles that bind all branches of power.⁴¹ In India, Part III—Fundamental Rights protects equality before the law and freedom of religion and expression, which the Supreme Court has progressively interpreted to uphold human dignity.⁴² Meanwhile, New Zealand's Bill of Rights Act 1990 guarantees freedom of thought, conscience, and peaceful assembly as part of civil rights protected by law.⁴³ These practices demonstrate how Spinoza's ideas about rational and moral freedom and equality are concretely realized through constitutional and judicial protection in modern democratic states.

In national law, this guarantee, which aligns with Spinoza's thinking, is found in Law Number 39 of 1999 concerning Human Rights, specifically

³⁹ Michael Zuckert, “On the Fourteenth Amendment: A Textual Analysis,” *Perspectives on Political Science* 48, no. 4 (October 2, 2019): 246–51, <https://doi.org/10.1080/10457097.2019.1630208>.

⁴⁰ Reginald M. J. Oduor, “Liberal Democracy: An African Critique,” *South African Journal of Philosophy* 38, no. 1 (January 2, 2019): 108–22, <https://doi.org/10.1080/02580136.2019.1583882>.

⁴¹ Christian Hillgruber, “Human Dignity as a Legal Concept. A Vision of European Culture,” *The Legal Culture* 2, no. 1 (November 9, 2020), <https://doi.org/10.37873/legal.2019.2.1.48>.

⁴² Mahantesh GS, “Social and Economic Justice under Constitution of India: A Critical Analysis,” *Int'l J. L. Mgmt. & Human.* 2 (2019): 22, <http://ijlmh.com/social-and-economic-justice-under-constitution-of-india-a-critical-analysis/>.

⁴³ Claudia Geiringer, “When Constitutional Theories Migrate: A Case Study,” *The American Journal of Comparative Law* 67, no. 2 (July 31, 2019): 281–326, <https://doi.org/10.1093/ajcl/avz013>.

Articles 3 (1) and (2), which state that every person is born free and has equal dignity and status before the law and the government. Furthermore, within the Indonesian constitutional framework, the principles of freedom and equality are affirmed in Article 28D (1) and Article 28I (2) of the Indonesian Constitution, which guarantee the right of every person to recognition, protection, and fair legal certainty, as well as equal treatment before the law. This principle aligns with Spinoza's view that a just state guarantees peace, security, and the freedom of its citizens to live according to their reason and rational nature.

Thus, Spinoza's thinking provides a philosophical basis for judges to balance applying positive law with universal moral, rational, and human values. Such law is the living law of reason, aimed at protecting the freedom and equality of every individual and serving as the foundation for the creation of substantive justice. This principle resonates with the idea of the rule of law with social justice, as affirmed in the Indonesian Constitution. In the context of an independent judiciary, judges serve as enforcers of positive law and as guardians of human freedom and equality, which are at the core of civil rights from a human rights perspective.

Conclusion

Spinoza's thinking on civil law asserts that law functions technically and contains moral and rational dimensions that arise from society's collective agreement to guarantee peace, security, and human progress, while remaining rooted in natural law as a universal order governing life. This view is reflected in the legal practices of various modern countries such as the United States, France, Germany, India, and New Zealand, which, through their constitutions, affirm freedom, equality, and the protection of human dignity as a balance between state power and individual liberty. In the Indonesian legal system, Spinoza's thinking finds relevance in the relationship between written positive law and the natural law moral values reflected in the Indonesian Constitution, particularly in the principles of equality before the law, respect for human dignity, and freedom of expression. Therefore, judges, as executors of judicial power, need to interpret the law not only textually but also rationally and humanely so that every decision can bring about justice in line with the values of freedom, equality, and humanity as the core of civil rights in the Indonesian rule of law.

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