

INTISARI

Penelitian disertasi ini merupakan penelitian dalam bidang filsafat hukum yang mengkaji “Keadilan Restoratif Hukum Progresif Satjipto Rahardjo dalam Perspektif Filsafat Hukum: Implikasinya terhadap Penguatan Sistem Hukum Nasional”. Penelitian ini berangkat dari dominasi positivisme hukum di peradilan Indonesia yang mereduksi nilai-nilai keadilan. Penelitian ini bertujuan menguraikan substansi pemikiran hukum progresif Satjipto Rahardjo, mengeksplorasi model keadilan restoratif Satjipto Rahardjo, dan menganalisis implikasinya terhadap penguatan Sistem Hukum Nasional Indonesia.

Metode penelitian ini menggunakan pendekatan studi kepustakaan, dengan mengacu pada analisis data historis dan faktual mengenai konsep serta tokoh. Sumber utama meliputi karya Satjipto Rahardjo dan tulisan pengikutnya yang membahas hukum progresif. Tahapan analisis data mencakup interpretasi, induksi-deduksi, komparasi, dan heuristika.

Hasil penelitian ini menunjukkan beberapa temuan fundamental. Pertama, pemikiran hukum progresif Satjipto Rahardjo menegaskan bahwa hukum adalah entitas hidup yang berdenyut dalam ritme kemanusiaan, berpihak pada keadilan substantif. Hukum merupakan logos pembebasan dari belenggu struktural, dengan pendekatan responsif, kontekstual, dan etis yang menghindari kekakuan positivisme demi transformasi sosial adaptif menuju kesejahteraan. Kedua, model keadilan restoratif Satjipto Rahardjo berpusat pada hukum sebagai medium pemulihan hubungan yang terfragmentasi, melampaui paradigma penghukuman. Melalui penekanan pada dialog, musyawarah, dan rekonsiliasi berbasis nilai kemanusiaan dan spiritual, keadilan restoratif menolak dominasi positivisme demi terwujudnya keadilan substantif. Ketiga, implikasi model keadilan restoratif Satjipto Rahardjo terhadap penguatan Sistem Hukum Nasional Indonesia ialah menawarkan paradigma humanis, partisipatoris, dan pemulihan sosial, mereduksi residivisme, dan beban peradilan. Tantangan utamanya adalah kelemahan teoritis (dianggap konseptual cair) dan sulitnya integrasi dengan sistem formal yang kaku. Implementasi integral menuntut penataan ulang fondasi filosofis dan metodologis secara sistematis, didukung regulasi serta pelatihan komprehensif bagi aparat.

Kata kunci: Keadilan Restoratif, Hukum Progresif, Satjipto Rahardjo, Filsafat Hukum, Sistem Hukum Nasional.

ABSTRACT

This dissertation research is a research in the field of legal philosophy that examines “Restorative Justice of Satjipto Rahardjo’s Progressive Law in the Perspective of Legal Philosophy: Its Implications for Strengthening the National Legal System”. This research departs from the dominance of legal positivism in the Indonesian judiciary which reduces the values of justice. This research aims to outline the substance of Satjipto Rahardjo's progressive legal thought, explore Satjipto Rahardjo's model of restorative justice, and analyze its implications for strengthening the Indonesian National Legal System.

This research method uses a literature study approach, with reference to the analysis of historical and factual data regarding concepts and figures. The main sources include the work of Satjipto Rahardjo and his followers' writings that discuss progressive law. The stages of data analysis include interpretation, induction-deduction, comparison, and heuristics.

The results of this study show several fundamental findings. First, progressive legal thought Satjipto Rahardjo emphasizes that law is a living entity that pulsates in the rhythm of humanity, siding with substantive justice. Law is a logos of liberation from structural shackles, with a responsive, contextual, and ethical approach that avoids the rigidity of positivism in favor of adaptive social transformation towards well-being. Second, Satjipto Rahardjo's model of restorative justice is centered on law as a medium for restoring fragmented relationships, beyond the paradigm of punishment. Through its emphasis on dialogue, deliberation, and reconciliation based on human and spiritual values, restorative justice rejects the dominance of positivism in favor of substantive justice. Third, the implications of Satjipto Rahardjo's restorative justice model for the strengthening of the Indonesian National Legal System are to offer a humanist, participatory, and social recovery paradigm, reducing recidivism, and the burden of justice. The main challenges are theoretical weaknesses (considered conceptually fluid) and the difficulty of integration with rigid formal systems. Integral implementation requires a systematic rearrangement of philosophical and methodological foundations, supported by regulations and comprehensive training for the apparatus.

Keywords: *Restorative Justice, Progressive Law, Satjipto Rahardjo, Legal Philosophy, National Legal System.*