

## Integration of Efficacy Values in Comparison of Legal Systems: A Reform Perspective

Ade Saptomo<sup>1</sup> | Badrunsyah<sup>2</sup> | Merry Aryanti<sup>2</sup>

1. Fakultas Hukum Universitas Pancasila, Indonesia

2. Fakultas Hukum Universitas Borobudur, Indonesia

Correspondence:

Ade Saptomo, Fakultas Hukum Universitas Pancasila, Indonesia

[adesaptomo@yahoo.com](mailto:adesaptomo@yahoo.com)

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**Abstract**—The Indonesian legal system still focuses on a normative approach that lacks real benefits for society. The utilitarian approach applied in various global legal systems can improve the application of laws that are more efficient and fairer. This study aims to analyse the integration of utility value in the comparison of legal systems and legal reform in Indonesia. The method used is a comparative analysis of legal systems through literature studies on the application of utility in law in the United Kingdom, Japan, and Continental European countries. The application of the value of utility can increase the effectiveness and fairness of the legal system. Countries with this approach show legal solutions that are more responsive to social needs. The integration of utility values in the Indonesian legal system is important to create a more efficient and fair legal system.

**Keywords:** legal reform; legal system; value of utility

## Introduction

The legal system in Indonesia, despite undergoing various reforms, still focuses on the application of normative and rigid rules. The law applied prioritizes the aspect of formalism rather than consideration of its practical impact and benefits to society. In this context, the value of utility in law, which is often associated with the school of utilitarianism, becomes relevant to be introduced as an alternative that is more responsive to social needs and changing times. Utilitarianism, as explained by Jeremy Bentham in *An Introduction to the Principles of Morals and Legislation*, puts forward the principle that "right action is what brings the greatest benefit to the greatest number of people". This concept emphasizes that the law must not only provide justice from a normative perspective but must also be able to produce tangible practical benefits for the wider community. A comparison between legal systems that prioritize the value of utility, such as the Anglo-Saxon legal system, Continental European law, and the Japanese legal system, shows that the application of these principles in legal decision-making can improve the efficiency and effectiveness of dispute resolution. In the English legal system, for example, court decisions often consider the outcome that is most beneficial to society, which is reflected in the application of the principles of *equity* and *fairness* in the

judicial process. The Japanese legal system, which adopted elements from the Continental European and Anglo-Saxon legal systems, also integrated the value of utility to create a law that was more adaptive to social and economic change.

In Indonesia, although legal reform has begun, the main challenge faced is how the legal system can be more responsive to the practical needs of society. Many legal decisions are hampered by the formalities of rules that ignore the value of utility. In this context, the integration of utility values can provide a new perspective for more equitable and efficient legal reform. Therefore, this study aims to analyze the application of the value of utility in the comparison of legal systems in various countries and its relevance for legal reform in Indonesia.

## Method

The approach used in this study is a comparative legal method. In this case, the author compares various legal systems, such as the English legal system (common law), the continental European legal system (civil law), and the Japanese legal system. Data was collected through literature studies that included textbooks, journals, and relevant scientific articles on the concept of utility in law. The analysis is carried out by identifying the principles of usefulness contained in the legal system and evaluating its application in the context of legal reform in Indonesia.

## Result And Discussion

The integration of utility values in the legal system is an important step to create a legal system that is responsive to social changes and community needs. This value of utility has its roots in the philosophy of utilitarianism developed by Jeremy Bentham and John Stuart Mill. In the context of law, utilitarianism emphasizes the achievement of outcomes that provide the greatest benefit to as many people as possible, while still considering the aspect of justice. Basically, the value of utility in law aims to provide efficient, fair, and beneficial decisions for the public. In its implementation, the application of benefits can be found in various legal systems in the world, one of which is the English legal system (common law). This legal system prioritizes flexibility, where judges have the freedom to adjust legal decisions by considering the needs and benefits for the community. This can be seen in the theory of "judicial pragmatism" introduced by Oliver Wendell Holmes, where "legal decisions are more directed towards achieving substantive justice that provides results that benefit society".

The legal systems of Continental Europe, although they prioritize the application of standard rules, have begun to introduce the principle of usefulness in their legislation. For example, in Germany, their civil law not only pays attention to the principle of formal justice, but also introduces the concept of "a balance between individual rights and the interests of society, aimed at creating more beneficial outcomes for the wider community". Other European countries such as France have also shown a similar tendency by including aspects of utilitarianism in various aspects of law, especially in the field of contracts and civil disputes, where legal solutions are expected to be of great benefit to the parties involved and society in general. The Japanese legal system, which combines elements from Continental European law and Anglo-Saxon law, shows how the integration of utility values can be applied well. Japanese law is known for its ability to adapt to social changes and technological advancements, while still prioritizing justice that can be felt by society. Takeyama explained that in the Japanese legal system, "the value of utility plays a significant role in resolving disputes through mediation or arbitration, which allows for a quick and efficient resolution with a favourable outcome for both parties".

In the Indonesian context, the application of the principle of usefulness in the legal system can make a positive contribution. As stated by Ade Sapomo that, "the Indonesian legal system not only needs to pay attention to formal and normative aspects, but also must be more sensitive to local wisdom and the needs of the community. The law that develops must be able to adapt to the local values that live in the community,

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and this is very relevant to the integration of the principle of utility in dispute resolution. Dispute resolution through local wisdom, such as deliberation or customary mediation, can result in decisions that are more beneficial to the community because they take into account deep social and cultural aspects"

In Indonesia, although there are several legal reforms that have been carried out, such as in the field of criminal and civil law, the application of the value of benefits is still limited. Indonesia's legal system tends to be rigid in the application of existing rules and focuses more on formal normative justice. This causes the legal process in Indonesia to be often hampered by complicated bureaucracy and lack of responsiveness to the needs of the community. In this context, the application of the principle of usefulness in the Indonesian legal system can be a solution to create a more efficient, fast, and fair legal system. In criminal law, for example, the application of the value of benefits can speed up the judicial process, reduce litigation costs, and produce decisions that are not only normatively fair, but also provide real benefits to society. In addition, reforms in the civil law system that prioritize benefits can improve dispute resolution procedures, with an approach that is more based on peaceful settlement and prioritizes outcomes that are beneficial to both parties. Taking these developments into account, Indonesia needs to adopt and integrate the principle of usefulness in the ongoing legal reform process. This can be done by updating the regulatory system to be more responsive to social needs, as well as creating a more efficient and fair judicial mechanism. For example, in the case of civil dispute resolution, the use of mediation or alternative dispute resolution (ADR) can speed up the legal process and result in a more satisfactory decision for all parties involved.

## Conclusion

The integration of utility values in the Indonesian legal system is a strategic step to achieve legal reform that is more responsive to the needs of the community. Comparisons with other countries' legal systems show that benefits are not only a theory but can also be applied in legal practice that provides fairer and more efficient results. Therefore, legal reforms that consider the value of benefits need to be carried out to create a legal system that is more responsive and adaptive to the changing times and the development of social needs.

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