

# ACTING RIGHTLY FOR THE RIGHT REASON: JOSEPH RAZ'S PHILOSOPHICAL THOUGHTS ABOUT AUTHORITY

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## Abstract

A philosophical analysis of Joseph Raz's conception of authority critically examines his claim that the obligation to obey the law is not absolute and is put as the main concern of this article. It highlights the inherent tension between legal rules and moral justification, the raising question of whether a legal system can maintain legitimacy without a convincing ethical foundation. For Raz, authority recognized within a legitimate legal system cannot rely solely on rule-based commands; it must also guide individuals in making morally sound decisions, especially in complex and conflicting circumstances. The article examines how legal systems can building public trust not merely through authoritative resolution, but by reflecting justice-oriented values realized by society. According to Raz, authority achieves legitimacy when it enables individuals to act rightly for the right reasons. Thus, law should not be viewed solely as an instrument of power, but as a moral framework fostering ethical responsibility. The article concludes that legal legitimacy requires the integration of moral values into both legal reasoning and practice, ensuring that authority is not only legally binding but also ethically accountable.

**Keywords:** authority, reason, legal philosophy, legitimacy, ethical responsibility

## Introduction

The relationship between courts and legislatures has varied significantly across different historical and political contexts. This article explores these variations through the lens of critical legal philosophy, viewing judicial reasoning as a tool employed by sovereign legislatures. According to philosophical determinism, civil sovereignty is the sole legitimate form of authority explaining the reason of the term “positive” is often used to describe human-made law, though this terminology is sometimes insufficient to capture the complexities of lawmaking.<sup>1</sup>

Understanding and explaining the wide variety of legal norms is a complex task, particularly because legal sources continue to evolve in both form and function. However, contemporary legal theory, especially as developed by Joseph Raz and building upon Hart's foundation, argues that legal systems are too complex to be fully captured by a single foundational rule. Raz suggests the authority in its legal nuances view shifts our understanding of authority in its legal context from a fixed point of recognition to a broader network of interrelated norms, practices, and institutional justifications. By moving beyond a rigid, monolithic framework, Raz's analytical jurisprudence enables a more nuanced understanding of legal systems, taking into account not only internal legal logic but also the social, moral, and institutional contexts in which law operates.<sup>2</sup>

A clear distinction between natural and positive law plays a crucial role in legal adjudication and guiding human behaviour. While human law is largely considered positive, its broad application allows for multiple interpretations, often leads to ambiguity. Legal systems define complex realities through laws reflecting rational and purposeful human intention, encompassing various implicit and explicit considerations. However, the challenge lies in reconciling these two, as the content of legal norms varies significantly in their degree of positivity. Understanding the origins and implications of legal principles, particularly in statutory and judiciary contexts requires not

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<sup>1</sup> James Bernard Murphy, *The Philosophy of Positive Law: Foundations of Jurisprudence*, New Haven: Yale University Press, 2005, page.229.

<sup>2</sup> Artha Debora Silalahi, “Rethinking Constitutional Interpretation through Joseph Raz's Analytical Jurisprudence,” *Constitutional Review* Vol. 11 No. 1, May 2025: 243, <https://doi.org/10.31078/consrev1118>.

only doctrinal analysis but also philosophical reflection on how authority is constructed, maintained, and rendered legitimate. Raz's approach urges scholars and legal practitioners to interrogate whether law genuinely serves its subjects by mediating between power and ethical responsibility. In this light, authority in its legal nuances must be seen not just as a command to be obeyed, but as a normative framework empowering moral action through justified guidance.

This article reconstructs Raz's argument on authority within its legal dimensions, exploring the conditions under which law merits moral respect. It proposes that law holds several credentials that may confer a form of unavoidable moral authority upon legal norms. Yet, while law undeniably functions within a normative framework similar to morality, moral assertions grounded in the law's existence remain consistent with positivist's thought. This article thus seeks to examine Joseph Raz's conception of authority as the basis of legal legitimacy, one justifying obedience to law while maintaining a positivistic foundation. Furthermore, it recognizes that some reasons for creating laws do not necessarily affirm the moral authority of those laws.

## **Research Method**

This article applies a philosophical-legal methodology, focusing on critical analysis. The research approach is primarily conceptual for examining legal reasoning through philosophical inquiry rather than empirical or doctrinal methods. By engaging with fundamental questions regarding the nature of law, its sources, and its normative foundations, this article situates itself within the broader discourse of legal theory. The methodology draws from critical legal philosophy, particularly the works of Hart and Raz to assess the conceptual relationship between legal norms, justice, and authority.

Through textual and conceptual analysis, the research evaluates the philosophical presuppositions underlying different legal systems, investigating how law derives its legitimacy and the extent to which legal norms function independently of moral principles. This article also applies an analytical approach, tracing the historical evolution of legal thought and its impact on contemporary legal systems. It examines the epistemological foundations of legal positivism, particularly its rejection of natural law theory, and explores alternative perspectives within jurisprudence. By critically engaging with primary

legal texts, court decisions, and philosophical arguments, the research highlights the complex interplay between legal reasoning and legislative authority. Additionally, this article considers the implications of legal philosophy for court decision-making and legislative processes, assessing how philosophical debates influence real-world legal practices. The methodology emphasizes the necessity of justification in legal reasoning, recognizing that legal systems must balance normative coherence with practical applicability.

## Result and Discussion

### Joseph Raz's Philosophical Framework of Authority

Joseph Raz, a key figure in contemporary legal positivism, explicitly rejects traditional legal foundations, asserting that law can only function as an authority if individuals do not accept it based on personal moral reason. Traditional legal foundations raise the question of whether legal authority can remain legitimate if individuals rely on political morality to determine their legal obligations. Joseph Raz explores the concept of authority, offering a prominent contemporary analysis of legal systems on the basis of reasons for action. He argues that the authority of a legal system can be justified for a larger segment of society. Raz rejects purely prudential reasons for obeying the law, instead emphasizing the rational justification of an obligation to follow legal rules. In his seminal work, *The Authority of Law*, Raz delves into the reasons individuals might feel obligated to obey the law.<sup>3</sup>

Authority is the right and power given to judges of reviewing cases filed by the public. Typically, vested in an individual or institution, it serves as a resource for judges to apply their virtues in case examination and decision-making without hesitation.<sup>4</sup> This article focuses on the nature of authority within the legal framework, suggesting and providing grounds for additional considerations creating a more complex view of law. This complexity arises from the relationship between explicitly stated in source-based law and the

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<sup>3</sup> Joseph Raz, *The Authority of Law*, page. 243.

<sup>4</sup> Thomas Mautner, *Dictionary of Philosophy Second Edition*, UK: Penguin Reference, 1996, page.59.

coherent understanding established by the nature of authority.<sup>5</sup> These aspects can be linked to the creator of the legal rule, reflecting the rule's intention or meaning.<sup>6</sup>

The proposition of law is not merely based on habitual obedience to authority but is more deeply rooted in social conventions reflecting the community's acceptance of a framework empowering certain individuals or groups to create valid laws.<sup>7</sup> The validity of a law depends on its source, stemming from actions or a series of actions, as well as discussions and debates surrounding its legitimacy. These considerations focus on factual questions and issues that can be objectively determined, independent of one's moral or political views.<sup>8</sup> The validity of a law relies on its alignment with the established legal system and is justified as such.<sup>9</sup> The content of the law can be determined objectively and, in a value, provided that it aligns with the legal system's social effectiveness. This validity serves as the basis for adhering to legal provisions, with adherence depending on the law's conduct and enforcement.

The problem of moral obligation to obey the law concerns the solution to coordination problems. Raz further mentions that it is impossible for people having power to act out without authority.<sup>10</sup> It can occur when people act for prudential reasons related to economic self-interest without realizing the qualities of communal association. In this context, Raz's perspective shows the pathetic argumentation with its contradiction. Moreover, the notion of respecting the law attempts to respond to the intrinsic value of loyalty to one's community. It expresses the denial of the obligation to obey the law.

In other ways, the obligation to obey the law shows the complex attitude combining cognitions about the moral value of the law under an obligation to obey the law. The law's claim to authority is evident in the fact that legal institutions are formally recognized as authorities.<sup>11</sup>

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<sup>5</sup> Joseph Raz, "Authority, Law, and Morality," *The Monist Oxford University Press* (July 1985) Vol.68 No.3 page.315.

<sup>6</sup> Joseph Raz, "Authority, Law, and Morality," page.315.

<sup>7</sup> Ronald Dworkin, *Law's Empire*, page. 34.

<sup>8</sup> Joseph Raz, *The Authority of Law*, page.152.

<sup>9</sup> Joseph Raz, *The Authority of Law*, page.152

<sup>10</sup> S.Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz", *Law and Philosophy* Vol.19 No.4 (July 2000), page.483.

<sup>11</sup> S.Aiyar, "The Problem of Law's Authority, page.300.

These institutions view themselves as having the right to impose obligations on individuals to follow the law as needed, not only in its literal sense but also in its spirit.<sup>12</sup> This implies that reforming the law, when necessary, should be conducted reasonably while respecting the law in force.<sup>13</sup> Much of this reasoning is strongly influenced by the specific content of the law.<sup>14</sup> Thus, the content of law raises the question of whether people can truly be protected and secured by respecting the law. In contrast, actions based on the law can have a moral impact, and vice versa. The attitude of respect for the law is a complex practical stance, involving recognition of moral reasons for obeying the law.<sup>15</sup> However, there are no universal moral reasons that make practical respect for the law inherently justifiable.<sup>16</sup> Practical respect for the law is only morally defensible if one can reverse the justification process and derive an obligation to obey from an independently justified attitude of practical respect.

Joseph Raz's conception of legal authority rejects the idea that legal norms stem from an idealized natural order. Instead, he emphasizes that authority and law more broadly derives its legitimacy from its capacity to help individuals act rightly for the right reasons. This perspective reorients the focus of legal theory from metaphysical assumptions about the nature of morality toward the normative structure of legal justification. Law, in Raz's perspective, does not possess authority simply by virtue of being enacted; it must guide its subjects in morally preferable ways, especially in conditions of normative pluralism and practical conflict. Therefore, legal reasoning is not a mere mechanical application of rules, but a reasoned process embedded within institutional practices aspiring to justify both the content and function of legal norms.

### **Moral Autonomy and the Limits of Legal Obligation**

Raz's ideas were significantly shaped by his mentor and doctoral supervisor, Herbert L.A. Hart. Hart's analytical approach, which deeply influenced Raz, was most evident in his distinction

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<sup>12</sup> Joseph Raz, "Authority, Law, and Morality," page.308.

<sup>13</sup> Joseph Raz, "Authority, Law, and Morality," page.308.

<sup>14</sup> Joseph Raz, "Authority, Law, and Morality," page.308.

<sup>15</sup> J.W.Harris, *Legal Philosophies*, page. 209.

<sup>16</sup> Joseph Raz, *The Authority of Law*, page.253.

between primary and secondary rules. Primary rules prescribe standards of conduct, obligating members of a society to engage in or refrain from specific types of actions.<sup>17</sup> Otherwise, in Hart's developed system of law must also have a set of secondary rules establishing an official machinery for the enforcement of the primary rules and recognition of primary rules. Hart's identification serves to identify the valid and subsisting rules of the system in some authoritative fashion.<sup>18</sup> Hart also introduces a rule allowing for formal and structured procedures to change the basic legal rules.<sup>19</sup> Through this framework, Hart's distinction between primary and secondary rules illustrates the structural organization of legal systems.<sup>20</sup> As a result, this framework highlights the enduring difficulty of differentiating natural law, which is rooted in moral values, from positive law, stemming from authoritative rules especially when examining the fundamental source of law's authority or its normative force ("*oughtness*").<sup>21</sup>

Raz's portrayal of legal authority highlights its role in clarifying moral demands and influencing practical decision-making.<sup>22</sup> Furthermore, rule's aim is designed to qualify as law and it must be able to guide behaviour by aligning with balanced reasons.<sup>23</sup> Raz emphasizes that the acceptance of authority must be justified, and authority brings dependent reasons without necessarily reflecting the vast power of those in control. The acceptance of authority brings the dependent reasons for the authority which does not express the immense power of authorities. In his thesis, Raz argues that in order for authority to be legitimate, it must have the potential to pose the necessary moral qualities of authority.<sup>24</sup> Broadly, anything that can be

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<sup>17</sup> Edgar Bodenheimer, *Jurisprudence: The Philosophy and Method of the Law*, Cambridge and London: Harvard University Press, 1981, page.105.

<sup>18</sup> Edgar Bodenheimer, *Jurisprudence*, page.105.

<sup>19</sup> Artha Debora Silalahi, "Criticising the Political System and the Normativity Foundations Through Joseph Raz's Legal and Philosophical Thought," *Mimbar Hukum Universitas Gadjah Mada* Vol.37 No.1 (2025): 60, <https://doi.org/10.22146/mh.v37i1.20234>.

<sup>20</sup> Artha Debora Silalahi, "Criticising the Political System and the Normativity Foundations Through Joseph Raz's Legal and Philosophical Thought," 60.

<sup>21</sup> Edgar Bodenheimer, *Jurisprudence*, page.105.

<sup>22</sup> Raymond Wacks, *Understanding Jurisprudence*, page.109.

<sup>23</sup> Jules Coleman and Scott Shapiro (eds), *The Oxford Handbook of Jurisprudence and Philosophy of Law*, Oxford: Oxford University Press, 2002, page.151.

<sup>24</sup> Joseph Raz, "Authority, Law, and Morality," page.300.

authoritatively binding such as propositions, norms, rules, standards, principles, or doctrines must embody the essence of authority in both legal and moral contexts.

There are two key requirements for authority in the legal sense. Firstly, an authoritative directive is binding only if it reflects, or is at least presented as, someone's perspective on how its subjects should behave.<sup>25</sup> Lastly, subjects must be possible to identify the directive based on the considerations claims to address or resolve.<sup>26</sup> The demands of the inner morality of the law focus on its relationship with individuals, requiring it to aim for specific positive achievements rather than merely discouraging harmful actions.<sup>27</sup> According to Fuller, the inner morality of law is largely based on aspiration rather than duty. This morality emphasizes the importance of making laws known, while also considering the consequences arising from the chosen method of publication.<sup>28</sup>

The practical reasoning of law reveals various equally valid approaches to achieve the common good, accordingly to those practical reasoning posits the law for resolving and making authoritative choices for the community to adopt. It becomes a moral duty to promote the common good by treating the law as an authority addressing people's needs.<sup>29</sup> The aim of authority leads to reflections on Raz's view, suggesting that the obligation to obey the law depends on the law's content and whether it is just or unjust.<sup>30</sup> Accordingly to Raz's perspective, the obligation to obey is not universal but contingent on the specific law in question. He links this to the moral desirability of social cooperation and community commitment, suggesting that such cooperation may grant presumptive authority to the law.<sup>31</sup> However, this does not imply that the law is inherently

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<sup>25</sup> Joseph Raz, "Authority, Law, and Morality," page.303.

<sup>26</sup> Joseph Raz, "Authority, Law, and Morality," page.303.

<sup>27</sup> Lon L. Fuller, *The Morality of Law*, New Haven, and London: Yale University Press, 1964, page.43.

<sup>28</sup> Lon L. Fuller, *The Morality of Law*, page.43.

<sup>29</sup> S.Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz," page.476.

<sup>30</sup> S.Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz," page.476.

<sup>31</sup> S.Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz," page.485.



authoritative to determine the best schemes for achieving the common good.<sup>32</sup>

The law has normative consequences. It can be authoritatively based on practical reasoning, which is required for the common good. Raz's perspectives relating to the analysis of legal obligation are offering the presumptive moral obligation to do what the law says not as law.<sup>33</sup> A particular stipulation enables the establishment of a coordinating practice. A complete understanding of authority reveals that commands and rules serve as protected reasons for action, and all authoritative statements are expressions of power. Power is defined as the ability to modify protected reasons for action, both as a personal guide and as a directive for others. There is power over oneself and power exerted over others.<sup>34</sup> The distinction between power and authority lies in the fact that a person's authority over themselves specifically refers to their ability to grant themselves permission to exercise power.

One cannot unilaterally assume the power to create voluntary obligations, and the mere act of granting permission does not itself constitute authority. Authority properly exists only when conferred by someone who already possesses legitimate power over those whose interests are affected. Through this framework, the concept of authority establishes an intrinsic connection between law and morality, as it embodies the moral basis upon which reasons for action are recognized and applied.<sup>35</sup> Accordingly, adjudicative authority serves to determine and operationalize such reasons by applying them to particular cases and rendering decisions.<sup>36</sup> In this sense, authority functions as a mediating principle guiding rational judgment about individual rights, enabling those in positions of power to declare and direct what ought to be done in accordance with right reason.<sup>37</sup>

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<sup>32</sup> S.Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz," page. 477.

<sup>33</sup> S.Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz," page.485.

<sup>34</sup> Joseph Raz, *The Authority of Law*, page.19.

<sup>35</sup> Joseph Raz, *The Authority of Law*, page.19-20.

<sup>36</sup> Jhon Rawls, *A Theory of Justice Revised Edition*, Cambridge, and Massachusetts: The Belknap Press of Harvard University Press, 1999, page. 407.

<sup>37</sup> Joseph Raz, "Authority, Law and Morality," *The Monist* Vol.68 No.3 (1985), page.299.

Lawmaking has increasingly aligned with legal positivism, emphasizing that interpretation relies on the collective force of authority, and is justified when it adheres to conventional beliefs.<sup>38</sup> Joseph Raz's idea proposes the justified authority which has developed a distinct form of legal positivism and explicitly rejects the traditional foundations of law. He argues that law can be functioned only as an authority if individuals do not base their acceptance of it on judgments of political morality. Thus, the judgments of political morality led to further questions, such as why the law cannot be authoritative if those who accept it use their personal convictions to determine what the law demands. Modern legal thought has increasingly aligned with legal positivism, emphasizing that interpretation is justified through authoritative consensus rather than individual moral judgments.<sup>39</sup> Modern legal thought puts the causal argument to make some normative propositions is needed not only to create the optimal design of the rule-making process but also most likely to create optimal conditions for deliberation.<sup>40</sup> The complexity of legal issues is likely influenced by problems within the political system. The political system struggles to represent society and to identify why is unable to implement the necessary substantive changes within the current representative framework.<sup>41</sup>

The principle of law underscores the evolving concept of justice as essential for promoting the common good. It serves as both a source of moral responsibility and moral conflict, leading to the question of whether legal practitioners can be considered moral when applying the law. The dilemma intensifies when enforcing unjust laws, as judges must decide between upholding legality and ensuring justice. Justice, positioned between wrongdoing without consequence and

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<sup>38</sup> Artha Debora Silalahi, "Some Debates of Hermeneutic and Legal Interpretation: Critical Analysis of Hans-Georg Gadamer Philosophical Hermeneutics," *JurnalMimbar Hukum* Universitas Gadjah Mada Vol.36 No.1 (June 2024): 214.

<sup>39</sup> Jhon Elster, *Deliberative Democracy*, Cambridge: Cambridge Studies in Theory of Democracy, 1998, page. 116.

<sup>40</sup> Toto Sugiarto and NaupalAsnawi, "Reading Socio-Democracy of Pancasila through Gadamer's Hermeneutics," *International Review of Humanities Studies* Vol.8 Number 2 (July 2023): 377.

<sup>41</sup> James. L., Hyland, *Democratic Theory: The Philosophical Foundations*. Oxford: Manchester University Press, 1995, page.54.

suffering injustice without recourse, highlights the inherent tension between law and morality.<sup>42</sup> Legality is itself grounded in a set of values that are as much moral as epistemic indeed their epistemic values is grounded in their moral value.<sup>43</sup> The determinate legal system identifies validity serving the moral purpose of assuring a determinate set of rules binding on citizens.<sup>44</sup>

The principle of law highlights the evolving understanding of justice as a fundamental requirement aimed at promoting the common good within a community serving as a source of both moral responsibility and moral conflict. Those existence of the source both moral responsibility and moral conflict raise the following question: can a legal practitioner be considered moral if they act justly in applying the law? This dilemma is further complicated by situations are applying the law results in injustice, as demonstrated by a judge enforcing an unjust law, while not applying the law could also be seen as unjust.<sup>45</sup> Thus, the origin and nature of justice, which is something between the best, namely, to do wrong and not to pay for it. Justice is between doing wrong and not being able to achieve vengeance.<sup>46</sup> Thus, both doing wrong and not being able to achieve vengeance are contented and not as a good but as honoured in the context of the weakness of injustice.<sup>47</sup>

The complexity of legal issue is often influenced by the limitations of political systems. The legal issue is struggling to represent societal interests or to enact substantive reforms. Justice, a core concept in legal philosophy, has undergone significant transformations. According to those things, this article argues that impartiality within legal institutions, particularly courts, requires unbiased representation. Historically, rulers derived their legitimacy

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<sup>42</sup> C.W. Maris and F.C.L.M. Jacobs, *Law, Order, and Freedom: An Introduction to Legal Philosophy*, New York, and London: Springer International Publishing, 2011, page.11.

<sup>43</sup> Whitley R.P. Kaufman, *Beyond Legal Positivism: The Moral Authority of Law*, USA: Springer International Publishing, 2023, page.141.

<sup>44</sup> Whitley R.P. Kaufman, *Beyond Legal Positivism*, page.141.

<sup>45</sup> Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory Third Edition*, Oxford: Oxford University Press, 2012, page.46

<sup>46</sup> Plato Translation by W.H.D. Rouse, *Great Dialogues of Plato*, New York: Penguin Group, 1999, page. 176

<sup>47</sup> Plato, *Great Dialogues of Plato*, page.176.

from divine authority, whereas modern legal systems emphasize accountability and public legitimacy. Today, the acceptance of legal authority relies on a clear justification for governance, rooted in the principles of democracy and representation. Legal systems often use as instruments for organizing complex human experiences through structured norms and institutions. Rather than merely codifying conduct, laws are products of deliberate reasoning, shaped by the pursuit of rationality, coherence, and human purpose. Furthermore, legal philosophy critically evaluates foundational claims about the nature and justification of law, including challenges for understanding the transition of legal philosophy scholarships in its rational and critical features.

### **Acting for The Right Reason: Raz and the Responsibilities of Legal Institutions**

Drawing from Plato's foundational argument on the conception of justice, it can be observed that belief in both natural and human law arises with the very introduction of the idea of justice. Laws function as structured representation, often imperfect reflections of reality, organized according to guiding principles of correspondence. In relation to justice, multiple normative orders coexist and interact within society. However, the existence of law often leads to misconceptions about its own nature, reducing it to a set of operational practices identified as "law" for particular reasons, while overlooking the deeper meaning of law truly signifies.<sup>48</sup>

This article offers a brief question of how laws that should be evaluated or reformed in reference to the authority of law proposed by Raz. The law's aim for pursuing justice is still debatable and not precisely based on its actual context. Justice concepts address at least two other issues related to the historical question coming from the philosophy of law in critical perspectives of how and why the law must be figured out into the rules and the policy question concerning the law.<sup>49</sup> These further explanations can be described through the concept of justice as a standard for judging institutions and the moral

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<sup>48</sup> Martin P. Golding and William A. Edmundson, *The Blackwell Guide to the Philosophy of Law and Legal Theory*, USA: Blackwell Publishing, 2005, page.163.

<sup>49</sup> Martin P. Golding and William A. Edmundson, *The Blackwell Guide to the Philosophy of Law and Legal Theory*, page.165.

obligation of individual persons to act justly and conform to just institutions and practices. This article also offers some concepts related to understand the law and the justice concept coherently and what the law of justice and the justice of law concepts are described. The illustration of justice cannot be separated from human's will and action.<sup>50</sup> Otherwise, justice is not just about the law's existence relating on how to set both concepts of justice from the changing side according to the specific way or manner.<sup>51</sup>

The concept of the law of justice relies on how subjects are judged and communicated in accordance with the agreed legality of the law. Legality is a matter of fact emphasizing clarity, and certainty in law without having to defend those values on normative grounds.<sup>52</sup> Thus, legality must clearly differentiate between the subject of justice, its role, and the principles of justice applying to the general public.<sup>53</sup> Justice should operate as objectively as possible while drawing its legal authority from established authorities and aligning with human desires.<sup>54</sup> Additionally, the authority concept exists in tension with moral convictions, emphasizing the fundamental social importance of establishing clear legal norms.<sup>55</sup> The legal norms in its normativity is grounded in social practices which is intended making clarity somehow intrinsic to law rather than a value to be sought for a moral purpose.<sup>56</sup>

Legal norms cannot create obligations rather, authority must derive legitimacy from its capacity to enhance justice and guide ethical decision-making.<sup>57</sup> The intersection between law and morality, as seen in judicial practices transcending strict legal formalism, supports Raz's claim that legitimacy is grounded in the law's ability to provide

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<sup>50</sup> Artha Debora Silalahi, *et.al.*, "Axiological Insights into Unveiling Independent Constitutional Judge Decisionism," *YustisiaJurnal Hukum* Vol. 13 No.3 (December 2024):239.

<sup>51</sup> Arry Mth.Soekowathy R, "The Concept of Justice Under the Pure Law of Hans Kelsen in Relevance to Law Enforcement in Indonesia," *Summary of Dissertation Post Graduate School Gadjah Mada University* (2012), page.10.

<sup>52</sup> Whitley R.P. Kaufman, *Beyond Legal Positivism*, page.142.

<sup>53</sup> Arry Mth.Soekowathy R, "The Concept of Justice," page.24.

<sup>54</sup> Arry Mth.Soekowathy R, "The Concept of Justice," page.24.

<sup>55</sup> C. W. Marris and F.C.L.M. Jacobs, *Law, Order, and Freedom*, page.31.

<sup>56</sup> Whitley R.P. Kaufman, *Beyond Legal Positivism*, page.142.

<sup>57</sup> Ramiyanto, "Ultra Petita Decisions in the Context of Criminal Law Enforcement in Indonesia," *Jurnal Hukum dan Peradilan* Vol.10 No.1 (2021):180.

authoritative resolutions that individuals can be trusted. Hence, the concept of how the justice of law is illustrated shows that people have a right to be treated justly.<sup>58</sup> If they are thought inferior to others, it means that they should be elevated to leadership roles and all people are equal in rights.<sup>59</sup> The law sets limitations specifically to ensure recognition and respect for the rights and freedoms of others, fulfilling their just needs.<sup>60</sup> Additionally, the desire to act justly is linked to rational planning, and acting justly is considered an integral part of human well-being. The essential function of the rule of recognition is bringing certainty and knowledge in advance of the requirement of the law. The rule of recognition also promotes the certainty with which the law may be ascertained.<sup>61</sup> The possibility of uncertainty into the system is permissible on goal-oriented grounds and to promote the rational and moral goals of the system in advance.<sup>62</sup>

The law relies on a source recognized by the legal system as crucial to its claim of legal validity.<sup>63</sup> In certain cases, a derived law is valid only if it produces the intended normative outcomes. For instance, a legal obligation is valid if it stems from a rule presupposing both membership within the system and the rule's enforceability. The primary challenge in analysing authority is the common failure to differentiate between the authority to perform an action and the authority to comply with rules. The authority to perform an action grant someone permission to act within the framework of law-regulated power. In contrast the authority to comply with rules intersect in the terms of human power, the rapid acceleration of authority has led to a dramatically altered perspective for those holding such power.<sup>64</sup> It is an ongoing effort to align the concept of

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<sup>58</sup> Artha Debora Silalahi, "The Framework of Law Impacts in Philosophy of Law and Justice: How is the Certainty of Law and Justice Understood?" *Proceedings of the 10th International Conference on Nusantara Philosophy (10th ICNP 2022)*. Faculty of Philosophy Universitas Gadjah Mada 2022, page.1.

<sup>59</sup> Robert L. Holmes, *Introduction to Applied Ethics*, London, and New York: Bloomsbury Academic, 2018, page.43.

<sup>60</sup> Robert L.Holmes, *Introduction to Applied Ethics*, page.43.

<sup>61</sup> Whitley R.P. Kaufman, *Beyond Legal Positivism*, page.141.

<sup>62</sup> Whitley R.P. Kaufman, *Beyond Legal Positivism*, page.141.

<sup>63</sup> Joseph Raz, *The Authority of Law*, page.153.

<sup>64</sup> Bertrand Russell, *The History of Western Philosophy Volume I*, New York: Simon and Schuster Inc, 1972, page.1034.

power with human aspirations and actions. The authority to comply with rules posits the power of individuals in their struggles against nature and the authority of rulers over people, whose beliefs and aspirations are interconnected.<sup>65</sup>

Thus, power is significantly influenced by the structure of social organization, which often results in conflicting interests and incites hostility from both sides.<sup>66</sup> According to those analysis position, the purpose of this article is clarifying the common notions, providing a clear interpretation, and validating the law by linking it to a broader thesis on the nature of authority and establishing facts about the law.<sup>67</sup> Additionally, determining whether the law is authoritative requires careful consideration, as there is no simple answer. Authority is recognized when the law's existence guides an action, resolves conflicting reasons, and establishes its legitimacy. The following question remains: is there a true obligation to submit to the law's authority?

Law functions as a practical authority when it offers independent reasons corresponding with the dictates of right reason, thereby guiding individuals to act based on the rationale the law provides.<sup>68</sup> In this context, Joseph Raz's "normal justification thesis" underscores that the legitimacy of legal authority depends on its capacity to effectively guide behaviour in accordance with reason. Consequently, Raz's conception of authority profoundly shapes how lawyers, judges, and other legal practitioners construct arguments and reach decisions. These legal arguments and judicial rulings, once accepted within the legal community, extend their influence to the wider society.<sup>69</sup> Hence, a crucial issue arises how should we redefine the permissible sources or "inputs" of law understood broadly as the range of legally and socially accepted arguments and conclusions informing legitimate legal reasoning?<sup>70</sup>

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<sup>65</sup> Bertrand Russell, *The History of Western Philosophy* Volume II, page.1035.

<sup>66</sup> Bertrand Russell, *The History of Western Philosophy* Volume II, page.1036.

<sup>67</sup> Joseph Raz, *The Authority of Law*, page.33.

<sup>68</sup> Dennis Peterson, *A Companion to Philosophy of Law and Legal Theory: Second Edition*, UK, and US: Willey- Blackwell, 2010, page.240.

<sup>69</sup> Frederick Schauer, "Law's Boundaries," *Harvard Law Review* Vol. 130, No. 9, BICENTENNIAL ISSUE (2017), page.2439.

<sup>70</sup> Frederick Schauer, "Law's Boundaries," page.2439.

The law, understood in its credential and institutional sense, can only be realized through its own normative framework, embodying the traditional view of jurisprudence as an inquiry into what the law ought to be, rather than merely describing what it is.<sup>71</sup> Accordingly, jurisprudence seeks to explain how the law is recognized and legitimized, often in connection with its political dimensions and processes of lawmaking. Nevertheless, the notion of legitimate authority cannot be entirely grounded in pure rationality or morality, since it fundamentally depends on the social acceptance of that authority's legitimacy. In practice, as seen within the common law tradition, the widening range of judicial discretion increasingly diminishes the binding force of positive law's authority, illustrating the tension between legal legitimacy and interpretive freedom.<sup>72</sup>

The exercise of judicial discretion underscores the necessity for law to pose clarity and determinacy in its content. To grasp this more deeply, Joseph Raz's perspective offers valuable insight, particularly through his influential theory of authority. According to Raz, the most effective way to understand law as a politically recognized institution is by developing a constructive conception of authority.<sup>73</sup> From this standpoint, his account of legal authority can be critically examined within the ethical framework of judicial adjudication, revealing that authority originates from normative claims and gains validity through the duty to obey the law. This approach emphasizes the moral responsibility to adhere to legal authority, even though court decisions sometimes exhibit obedience rooted in a misguided sense of duty.<sup>74</sup> Ultimately, Raz contends that legal authority is not absolute; rather, its legitimacy rests on its ability to guide individuals toward rational goals that are consistent with moral and social values.<sup>75</sup>

A legal decision can be meaningfully interpreted by assessing both its intended purpose and the issues of resolving. Ideally, such a

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<sup>71</sup> Dennis Peterson, *A Companion to Philosophy of Law and Legal Theory*, page.393.

<sup>72</sup> David Dyzenhaus, "The Genealogy of Legal Positivism," *Oxford Journal of Legal Studies* Vol.24 No.1 (Spring 2004), page.62.

<sup>73</sup> Joseph Raz, *The Authority of Law*, page.20.

<sup>74</sup> S. Aiyar, "The Problem of Law's Authority: Jhon Finnis and Joseph Raz," page.488.

<sup>75</sup> Artha Debora Silalahi, *et.al.*, "Exploring the Ontological Basis of Law: Joseph Raz's Views on Normativity within The Framework of Legal Realism," *International Review of Humanities Studies* Vol.10 No.1 (January 2025): 204.



decision should affirm its own validity and substance without merely revisiting the same problems that the authority itself is established to address. This perspective assumes that legitimate authority, grounded in reason, operates through and reinforces the authoritative stance of its directives. However, as Joseph Raz acknowledges, there are instances where conscientious objection becomes relevant in recognizing legal authority. In such cases, individuals act upon their moral conscience, choosing whether to obey or resist the law—reflecting Raz’s recognition that authority can sometimes be exercised for unjust purposes. This, in turn, challenges the assumption that laws are inherently morally binding, thereby questioning the existence of a universal moral duty to accept all legally valid norms.<sup>76</sup> Furthermore, the social norms practiced within a community serve as material sources of law, providing the substantive foundation for its existence.<sup>77</sup> These encompass political, economic, social, cultural, defense, security, and environmental dimensions, which collectively shape the law’s moral and societal grounding.<sup>78</sup> In addition, principles such as equity, justice, certainty, and truth also function as material sources, as they ideologically sustain the legitimacy of legal norms. By contrast, the outcomes of the legislative process including statutory enactments and court rulings constitute the formal sources of law, expressing the authoritative manifestation of these foundational values.

Raz explains that the legitimacy of authority depends on how reasons and values are weighed, and on how strongly competing considerations support obedience. Legitimate authority, therefore, must offer reasons that genuinely guide those who are subject to it. In this view, a person follows an authoritative directive not merely out of habit or coercion, but because the authority provides binding reasons that properly justify obedience. Moreover, the concept of authority is inseparable from the claim that law inherently aspires to pose legitimate authority. The binding force of law derives from the

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<sup>76</sup> Mark Bennett, “The Obligation to Obey the Law: What We Can Learn from The Debate Between Finnis and Raz,” *Victoria University of Wellington Legal Research Paper* No.41/2011, page.26.

<sup>77</sup> Tommy HendraPurwaka, “Several Approaches for Understanding the Law,” *Jurnal Hukum dan Peradilan* Vol.4 No.3 (November 2015):532-533.

<sup>78</sup> Tommy Hendra Purwaka, “Several Approaches for Understanding the Law,” 533.

substantive content of authoritative directives, which are themselves the product of institutional processes of drafting, deliberation, and revision.<sup>79</sup>

Through mechanisms such as judicial interpretation and legislative amendment, legal norms continually develop, showing that the law is inherently dynamic and responsive nature.<sup>80</sup> Historically, the formation of authority has required a rational basis, grounded in the idea that the power to govern must come from public accountability and lawful appointment. Philosophically, legal theory has long challenged natural law views, rejecting claims that law originates in a mythical state of nature or inherent human impulses.<sup>81</sup> Instead, law relies on legal reasoning—the disciplined effort to provide the most coherent justification in deciding legal issues.<sup>82</sup> Even so, fully grasping the nature of law and its philosophical foundations remains difficult, especially when examining how they operate within statutory and constitutional systems.

Furthermore, a key issue in examining the authority of law within its contextual dimension lies in understanding how authority engages with society and accommodates the plurality of human goods. The idea of the common good, therefore, should not be treated as a fixed or absolute pre-legal standard, but as a concept that must be interpreted and applied according to its underlying purpose. Accordingly, the authority of law is not defined merely by its institutional form; it also operates as a mediator connecting fundamental moral reasons with the concrete choices and actions of individuals in society.<sup>83</sup>

## Conclusion

In summary, Joseph Raz's insights about the authority of law provide a comprehensive and sophisticated framework for

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<sup>79</sup> Joseph Raz, "Authority, Law and Morality," page.313.

<sup>80</sup> Hakim, Muh. Ridha Hakim, "Interpretation of Judicial Power Independence in Constitutional Court Decisions," *Jurnal Hukum dan Peradilan* Vol.7 No.2 (July 2018):281.

<sup>81</sup> C. W. Marris and F.C.L.M. Jacobs, *Law, Order, and Freedom*, page.221.

<sup>82</sup> Ronald Dworkin, 1986, *Law's Empire*, Massachusetts: *The Belknap Press of Harvard University Press*, page. viii.

<sup>83</sup> Joseph Raz, "Authority, Law and Morality," page.315.

understanding legal philosophy. Raz's interpretation of legal authority transcends mere compliance with norms, focusing instead on how the authority of the government is fundamentally rooted in serving the interests of the people. A central tenet of Raz's thought is the intrinsic link between legal authority and the government's autonomy in pursuing the common good. Raz's conceptualization of legal authority underscores the importance of not only examining the nature of legal authority but also understanding its practical role in offering independent and distinct reasons for action. By grounding legal authority in the fulfilment of reason's demands, Raz portrays law as both a normative system and a practical instrument shaping human behaviour while advancing collective well-being. Consequently, his theory reinforces the dual role of law, a source of obligation and as a rational guide harmonizing individual actions with the moral purposes embedded in legal order.

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