ROOT PATTERNS OF THOUGHT IN LAW: A META-JURISPRUDENCE" OF PIETERSEN: A CRITIQUE AND DEVELOPMENT IN LAW

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Article History	Abstract
	The four fundamental patterns of knowledge, consisting of objectivist-idealist jurisprudence, objectivist-realist jurisprudence, subjectivist-realist jurisprudence, and subjectivist-idealist jurisprudence, are formed within the meta-paradigmatic framework proposed by Herman J. Pietersen, are still based on certain Western philosophical ideas. However, the essence of this framework is to answer the fundamental question of "how shall we live," and its meta-paradigmatic analysis is not only based on certain Western philosophies. It is concluded that the development of the various branches of law today does not only adopt these four basic patterns, as they apply very well only to legal branches such as legal naturalism and doctrinal law, legal positivism, legal expressivism, pragmatic legal realism, and CLSM. However, some legal streams related to certain philosophical and paradigmatic streams still need to be characterized by their basic knowledge patterns. Some of these legal streams include legal feminism, which is closely related to feminist philosophy, legal hermeneutics, which is closely related to hermeneutic philosophy, legal post-positivism, which is closely related to post-positivism paradigm, legal constructivism, which is closely related to constructivism paradigm, and the idea of progressive law. It is expected that in the future, there will be in-depth research on both Eastern and Western philosophical streams, which are essentially firmly related to meta-jurisprudence.

A. INTRODUCTION

Herman J. Pietersen, in his article entitled "Root Patterns of Thought in Law: A Meta-Jurisprudence," has answered the fundamental question of "how shall we live" through a meta-paradigmatic analysis.[1] Pietersen suggests that the epistemological

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[1] Leo B. Barus, *Root Patterns of Positivism in Western Philosophy: A Meta-Jurisprudence Construction in Public Policy Development*, *Journal of Public Administration and Policy Issues*, Vol. 1, No. 1, 2022, p. 13.

framework he introduced can be applied effectively in the field of jurisprudence and even expanded with the same analysis in other areas of law.[2]

According to Pietersen, there are four basic patterns of knowledge that are formed within the meta-paradigmatic framework.,[3] If oriented towards the jurisprudence branch of law, it will characterize each type of law. Legal Naturalism, which is Type I with an objectivist-idealist pattern of law, Legal Positivism, which is Type II with an objectivist-realist pattern of law, Legal Expressivism, which is Type III with a subjectivist-realist pattern of law; and Critical Studies Movement (CLSM), which is Type IV with a subjectivist-idealist pattern of law. The characteristics attributed to these four branches of law represent the same four patterns of the meta-paradigmatic framework of thought of Plato (known as the first ideologist), Aristotle (known as the first scientist), and Protagoras, which are applied in jurisprudence (as a field of legal theory), where Type I represents the naturalist stream (Naturalism), Type II represents the positivist stream (positivism), Type III represents the expressive stream (expressivism), and Type IV represents the CLSM stream. The framework of the meta-paradigmatic includes four types where. Type I is Plato's idea about the environment that focuses on "this." Type II is Aristotle's idea that questions "what is," so the combination of these two types of questioning "what is this" means rational or objective thinking (objectivist). In contrast, Type III is Protagoras' idea that questions how it should be, and Type IV is Plato's idea that focuses on human life, so the combination of these two types of questioning "how should we live" means humanistic or subjective thinking (subjectivist). Pietersen also classified Type I and Type IV as idealist thinking and Type II and Type III as realist thinking. Thus, in the context of the meta-paradigmatic, Type I is characterized as objectivist-idealist, Type II is characterized as objectivist-realist, Type III is characterized as subjectivist-realist, and Type IV is characterized as subjectivist-idealist.

The four basic meta-paradigmatic frameworks analyzed by Pietersen are the essence of his statement that law, which is a normative structure, is an instrument of justice with its primary function of regulating human behavior. However, the regulation of human behavior cannot be fully answered by only these four basic patterns of knowledge. There are still other basic patterns of knowledge in answering the fundamental question of how humans should live, given the rapid development of ideas in the modernism and postmodernism era that are closely related to the thinking in some branches of the legal field. The essence or purity of legal knowledge searching for the truth but nothing the truth needs to be guided by a paradigm that presents a certain 'basic' set of beliefs that constantly guide the thoughts, attitudes, words, and actions of its adherents. This shows that the four meta-paradigmatic frameworks introduced by Pietersen need to be reviewed, critiqued, and/or further developed for humanity and humanism.

B. DISCUSSION

1. Regarding Meta-Paradigm within the Connection with Meta-Jurisprudence

Pietersen, in his book titled *The Four Types of Western Philosophy*, has expanded his four meta-paradigmatic frameworks into four types of philosophy:

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[2] Leo B. Barus and Anis W. Hermawan, Root Patterns of Legal Expressivism: A Meta-Jurisprudence Construction of Pietersen, *Philosophy and Paradigm Review*, Vol. 1, No. 1, 2022, p. 5.

[3] Anis W. Hermawan and Leo B. Barus, Root Patterns of Critical Studies in Economics: A Meta-Jurisprudence Construction of Pietersen, *The Scientia Journal of Economics Issues*, Vol. 1, No. 1, 2022, p. 13.

scientific philosophy, speculative philosophy, narrative philosophy, and pragmatic philosophy.

The speculative philosophy constructed by Pietersen is related to metaphysics. Plato's thinking in this type is related to knowledge of objects that are unchanging and unobservable in their metaphysical senses,[4] Kant's thinking on the concept of metaphysics and the concept of "pure reason" that cannot be derived from empirical phenomena, Popper's statement that knowledge has the highest and most important place compared to concrete experience, the thinking of naturalists and formal aestheticians who stubbornly maintain a transcendent element in modern natural law, one of Richard Rorty's thoughts on moments of metaphysics, and one of Robert Pirsig's thoughts on metaphysical quality.[5] Rorty's thinking in this type is related to the key elements or meta-theories of Darwinism, historicism, nominalism, pluralism, naturalism-empiricism, voluntarism, and epistemology of a truth through consensus or agreement.[6]

Pietersen's scientific philosophy is built on the main thinking of Aristotle as a realist regarding obtaining scientific knowledge based on worldly experience.[7] This thinking is then supported by David Hume, who is closely related to experience and the senses and is known for not liking anything related to metaphysics, Imre Lakatos, who is one of the adherents of realism, who states that empirical experience meets the criteria for generating theories that should produce new facts, learning from legal positivism that uses a scientific approach and its dedication as the primary example of the orientation of objectivist-empiricist towards knowledge, the aesthetic approach of realists which clearly shows how something exists in its factual existence, and the philosophical thoughts of Rorty and Pirsig which are both obtained from empirical elements.[8]

Narrative philosophy is a thinking that is anti-metaphysical in the tradition of followers of subjectivist-empiricist. Followers of this philosophy also have various designations (such as Sophists, existentialists, pragmatists). The main thinking of this type comes from Protagoras who is also known as one of the "first humanists."[9] where his thinking states that humans are the measure of all things where there is no truth outside of the opinions of society, and implicitly states that truth can vary among societies.t.[10] Protagoras is a narrative-interpretive philosopher, strongly committed to truth and reality, and often associated with relativism, famous for his statement "what is true for you, is true for you - what is true for me is true for me." Nietzsche, who strongly rejects metaphysics, and narrative thinking is also a characteristic of the philosophical thinking of Kuhn and Feyerabend, as well as the expressionism approach in aesthetics which is also embraced in the thinking of Rorty and Pirsig.[11]

The philosophy of pragmatism developed by Pietersen is closely related to the changes in the world and social society, where several ideas, such as Plato's idealism

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[4] *Ibid.,* pp. 13, 14.

[5] *Ibid.,* pp. 88, 89.

[6] Anis W. Hermawan and Leo B. Barus, Meta-Jurisprudence of Legal Naturalism: A Construction Based on Western Philosophy, *Philosophy and Paradigm Review,* Vol. 1, No. 1, 2022, p. 2.

[7] *Ibid.,* p, 89.

[8] *Ibid.,* p. 90.

[9] Neil O'Sullivan, "Pericles and Protagoras", *Greece & Rome,* Vol. XLII, No. 2, April 1995, p. 15.

[10] George Klosko, 2006, The Development of Plato's Political Theory,New York: Oxford University Press, p. 3.

[11] *Ibid.,* p. 90-91.

for the people of Greece, Popper's ideas on the morality of scientists, Feyerbend's view on the degradation of science into another element of society, Rotry's vision of political freedom for society, and Pirsig's dream of a new spiritual reality,[12] And Marx's protest against the injustice that caused poverty in society during his time, which led to a revolution that would eliminate the bourgeoisie from society so that everyone would live freely and happily because a single-class society is created.[13]

The four types of philosophy developed by Pietersen can be briefly depicted in Figure 1 below.

Figure 1: Four Types of Western Philosophy with Spectrum and Ideas[14]

No.	Philosophy Type	Spectrum	Form of Thought
1	Type I (Speculative Philosophy)	Plato, Kant, Popper, Legal Naturalism, Formalist Aesthetics, Rorty I, and Pirsig I	Metaphysical (Plato) characterized by: "what is behind" questions, impersonal, essence of life/nature, rationality, theoretical integration, and expansion of understanding.
2	Type II (Scientific Philosophy)	Aristotle, Hume, Lakatos, Legal Positivism, Realist Aesthetics, Rorty II, and Pirsig II.	Scientific (Aristotle) characterized by: "what is this" questions, impersonal, description of life/world, rationality, analytical-systematic, and detailed explanation.
3	Type III (Narrative Philosophy)	Protagoras, Nietzsche, Kuhn/Feyerabend, Legal Pluralism, Expressionist Aesthetics, Rorty III, and Pirsig III	Narrative (Protagoras) characterized by: "what is the story" questions, personal, to praise, to inspire or to criticize, emphasizing values (humanistic), involving individuals/experiences, and poetic.
4	Type IV (Pragmatic Philosophy)	Plato, Marx, Popper/Feyerabend, CLSM, Reformist Aesthetics, Rorty IV, and Pirsig IV	Pragmatic (Plato) characterized by: "what to do" questions, personal, to change/renew life/world based on ideal values, emphasizing values (humanistic), involving groups/ideological, and developmental/reformative.

Based on the framework of the four philosophies above, each basic pattern that describes the similarities and differences within the four philosophies can be

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[12] *Ibid.*, p. 91.
[13] Theo Huijbers, *Op.cit*, pp. 114-115.
[14] Herman Johan Pietersen, 2015, The Four Types of Western Philisophy, Randburg, Republic of South Africa, KR Publishing, p. 9-10.

depicted. In speculative philosophy and scientific philosophy, some similarities are obtained, such as their impersonal nature, which is interpreted as an objective view where there is no influence or personal involvement in it, and they are advocates of rationalism, which can be interpreted that in speculative philosophy and scientific philosophy they both have the same belief that a reliable means or tool to obtain true knowledge is reason or the power of thought,[15] While narrative philosophy and pragmatic philosophy, there is a similarity in personal aspects, which means there is subjectivity within them that places individual actors as the center of attention,[16] Both scientific philosophy and narrative philosophy have similarities in terms of personal elements, which means there is subjectivity in them that places individual actors at the center of attention and their humanistic values. Scientific philosophy and narrative philosophy have similarities in their realism. According to Paul Horwich, realism can be seen from the realism epistemology showing that an entity exists.[17] Furthermore, in scientific and narrative philosophy, there are similarities with their realistic doctrine; as stated by Paul Horwich, realism can be seen from the epistemology of realism, which shows that an entity exists. According to Lili Rasjidi and Ira Rasjidi, realism is a doctrine that separates das sein and das sollen for the purpose of an in-depth investigation to achieve its goals while paying attention to the existence of values and observations of values, which in general should not be influenced by the observer's will or moral goals.[18] Meanwhile, in terms of speculative philosophy and pragmatic philosophy, they share a similarity in their idealism philosophy, which is a philosophical belief that the actual reality is the reality in the form of idea or spirit. Then, Fichte, Schelling, and Hegel, with a system of thought called speculative idealism, are transcendental thinkers (who make reason the center of discussion in dealing with experience) who return to metaphysics that are not by the norms put forward by Immanuel Kant.[19]

2. Law as a Normative Structure in its Relationship with Meta-Jurisprudence

In his book titled "Root Patterns of Thought in Law: A Meta-jurisprudence," Pietersen has categorized four approaches to jurisprudence in the meta-paradigmatic framework into legal naturalism characterized as Objectivist-Idealist Jurisprudence, legal positivism characterized as Objectivist-Realist Jurisprudence, legal expressivism characterized as Subjectivist-Realist Jurisprudence, and CLSM characterized as Subjectivist-Idealist Jurisprudence. Furthermore, in his book titled "The Four Types of Western Philosophy," Pietersen has categorized four western philosophical thoughts in the branches of law including legal naturalism as Speculative Philosophy, legal positivism as Scientific Philosophy, legal pluralism as Narrative Philosophy, and CLSM as Pragmatic Philosophy. Tamanaha then explains that the general categorization of jurisprudence only includes natural law, legal positivism, legal realism, and critical

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[15] Mulyono and Slamet Subekti, 2011, Sejarah Pemikiran Modern, Jakarta, Universitas Terbuka Press, p. 2.2
[16] Christian Greiffenhagen and Wes Sharrock, "Where Do the Limits of Experience Lie? Abandoning the Dualism of Objectivity and Subjectivity", *History of the Human Sciences*, Vol. 21, No. 3, p. 73.
[17] Paul Horwich, "Three Forms of Realism", *Synthese*, Vol. 51, Issue 2, May 1982, p 181.
[18] Lili Rasjidi and Ira Rasjidi, 2001, Dasar-Dasar Filsafat dan Teori Hukum, Bandung, PT. Citra Aditya Bakti, p. 68, 69.
[19] Mulyono and Slamet Subekti, *Op.cit.*, p. 5.2.

legal studies.[20] Concerning the branches in the study of law, the general characteristics of jurisprudence in the paradigmatic and philosophical order can be described as follows.

2.a. Speculative philosophy (Type Objectivist-Idealist Jurisprudence)

Speculative Philosophy, which according to Pietersen, has the Type Objectivist-Idealist Jurisprudence closely related to metaphysical thinking, transdental (which is a system of basic principles of knowledge that apply universally and absolutely),[21] seeks to answer the questions "what is behind," impersonal, relating to life/nature, rational, theoretical-integration, and requires an expansion of understanding, can be applied to the branch of legal naturalism. Classically, naturalism is a view that states that the study of humans and non-humans does not require an explanation concerning something outside the phenomena of the universe.[22] Then modern naturalism arises, which is based on the principle of active life in the form of the fact of the development of law (evolution), which is an integration of matter, in which during this evolution, matter changes from one indeterminate uniformity without a combination to a certain diversity.[23]

Then the naturalistic view was adopted in law, known as the natural law school with its figures, such as St. Augustine, who stated that natural law is an eternal law that exists in God, and Thomas Aquinas, who affirmed that natural law is a law that comes from God, embodied in human reason.[24] Then, Grotius developed natural law based on humans as social beings whose existence is based on the idea that all humans have the same nature. Hence humans have a tendency to form a life together.[25]

2.b. Scientific Philosophy (Type Objectivist-Realist Jurisprudence)

According to Pietersen, Scientific Philosophy (Type Objectivist-Realist Jurisprudence) has a coherent profile with scientific knowledge characterized by the question "what is this, "impersonal description of life/world, rationality, analytical-systematic, and detailed explanation, which can be applied to legal positivism.

Auguste Comte first introduced the term positivism in his book Course of Positive Philosophy, which defines "positive" as a theory aimed at arranging observed facts, or in other words, positivism is a philosophy that strongly emphasizes that knowledge should not exceed facts.[26] Although positivism is the heir of empiricism that was radicalized in the French Enlightenment, empiricism that still accepts subjective and spiritual experiences is very different from positivism, which firmly rejects anything metaphysical.[27] Then, Bruce J. Caldwell supports Comte's opinion by adding that positivism is a prescriptive philosophy of science that seeks to provide an exact but general "appropriate scientific procedure" model in which positivism outlines theoretical model constructions that must be tested against data as a sign of

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[20] Brian Z. Tamanha, "The Third Pillar of Jurisprudence: Social Legal Theory", William & Mary Law Review, Vol. 56, Issue 6, Article 6, 2015, pp. 2236-2237.

[21] Theo Huijbers, 1982, Filsafat Hukum dalam Lintasan Sejarah, Yogyakarta, Kanisius Press, pp. 94-95.

[22] Mulyono and Slamet Subekti, *Op.cit.*, p. 6.38.

[23] *Ibid.*, p. 6.60.

[24] Adji Samekto, 2015, Pergeseran Pemikiran Hukum dari Era Yunani Menuju Postmodernisme, Jakarta, Konstitusi Press, pp. 19-20.

[25] *Ibid.*, p. 28.

[26] F. Budi Hardiman, 2011, Pemikiran-Pemikiran yang Membentuk Dunia Modern, Jakarta, Erlangga Press, p. 176.

[27] *Op. cit*, p. 177.

science.[28] Furthermore, Shilling interprets the general implications of positivism, in which determinism disregards the role of human institutions and adopts observation and measurement methods that neglect and distort "the complex cognitive rationalities and strategies that comprise fundamental aspects of human social praxis."[29]

Positivism has greatly developed in the field of social sciences (sociological positivism), as well as in the field of law (legal positivism). Sociological positivism is based on several principles, including:[30]

✓ Only what appears in experience and what can be truly verified as reality can be called faithful.
✓ Only through sciences can it be determined whether something experienced is truly a reality.
✓ Because all truths are obtained through sciences, the task of philosophy is nothing other than to collect and organize the results of scientific investigations.

As for legal positivism, also known as analytical jurisprudence, it concludes that the only law accepted as the law is a positive law because only this law can be determined as reality, and the law only applies because it obtains its positive form from authorized institutions.[31] According to Adji Samekto, legal positivism helps develop science because of its logical-empirical, objective, reductionist, deterministic, and value-free characteristics, so that all legal studies should be free from non-concrete, non-rational, goodness, and other moral teachings.[32] However, over time, the characteristics of legal positivism have been misunderstood by equating it with doctrinal legal studies, which only focus on the validity and invalidity of positive law.[33] In fact, the tradition of doctrinal legal studies is derived from religious teachings and human rationality with an a priori way of thinking (a way of thinking that does not rely on empirical facts but relies on the power of values and teachings), which can be seen in the existence of legal fiction.[34]

3.c. Narrative Philosophy (Type Subjectivist-Realist Jurisprudence)

Narrative Philosophy, according to Pietersen, is closely related to the narrative way of thinking that is coherent with the following characteristics: asking "what is the story," personal, intended to praise, inspire, or criticize, emphasizing values (humanistic), involving individuals/experiences, and poetic. This type of philosophy can be applied to legal branches such as legal expressivism, which is closely related to legal realism, legal pragmatism, and legal pluralism.

Legal realism or pragmatic legal realism is a conception of law as a changing tool to achieve social goals,[35] in which the law applied to a case is only the judge's

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[28] Bruce J. Caldwell, "Some Reflections on Beyond Positivism", *Journal of Economic Issues*, Vol. 19, No. 1, Mach 1985, p. 189.

[29] Martyn Hammersley, "Who's Afraid of Positivism? A Comment on Shilling and Abraham", British Journal of Sociology of Education, Vol. 16, No. 2, 1995, p. 243.

[30] Theo Huijbers, 1982, Filsafat Hukum dalam Lintasan Sejarah, Yogyakarta, Kanisius Press, pp. 122-123.

[31] Theo Huijbers, *Op.cit*, pp. 128-129.

[32] FX. Adji Samekto, "Menggugat Relasi Filsafat Positivisme dengan Ajaran Hukum Doktrinal, Jurnal Dinamika Hukum, Vol. 12, No. 1, January 2012, p. 83.

[33] *Ibid.,* p. 75.

[34] *Ibid.,* p. 83.

[35] Lili Rasjidi and Ira Rasjidi, *Op.cit*, p. 68.

decision on that case.[36] Legal realism is almost identical to legal positivism regarding the need for a source of law but does not place the law as its source but as the judge.[37] Legal realism is a subjectivist realist legal stream whose concepts, according to FX. Adji Samekto includes existential truth, personal-engaged values, humanism, emphatic, contextual or imminent, and praise.[38] Meanwhile, legal pluralism is defined as a situation in which two or more legal systems coexist within the same community, which describes events in any social life in which behavior is adjusted to more than one applicable legal order.[39]

4.d . The Pragmatic Philosophy (Type Subjectivist-Idealist Jurisprudence)

The Pragmatic Philosophy (Type Subjectivist-Idealist Jurisprudence), which according to Pietersen, has coherence with pragmatic thought, is characterized by: the question "what to do," personal, to change/renew life/world based on ideal values, emphasizing values (humanistic), involving groups/ideological, and developmental/reformist. This philosophy can be applied to critical legal studies movements.

Critical legal studies are based on the ideas of Karl Marx and, in general, aim to challenge norms and standards in legal theory and their implementation, which in modern law is dominated by the positivist paradigm[40] Surya Prakash Sinha, in Adji Samekto[41] explains the main theses of Critical Legal Studies, whose main aspects include the rejection of liberalism, exposing fundamental contradictions in liberal theory, rejecting and delegitimizing liberalism, exposing the fallacies of legal reasoning, criticizing formalism and objectivism,[42] rejecting positivism, rejecting rationality in law, and building the unity of law and politics.

3. Critique and Development

Pietersen has identified four fundamental patterns of philosophy, including various doctrines such as objectivism, subjectivism, realism, idealism, humanism, and rationalism, to simplify their application in the context of jurisprudence or legal philosophy. However, there is still a need for further development as some doctrines within Western philosophy, particularly those related to modernism and postmodernism, still, need to be adequately addressed and are closely related to the paradigms proposed by Guba and Lincoln. This is based on the idea that in a more

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[36] H. M. Agus Santoso, 2012, Hukum, Moral, & Keadilan: Sebuah Kajian Filsafat Hukum, Jakarta, Kencana Press, p. 67.

[37] *Ibid.,* p. 66.

[38] Munir Fuady, 2005, Filsafat dan Teori Hukum Postmodern, Bandung, PT. Citra Aditya Bakti, p. 89.

[39] Sally Engle Merry, "Legal Pluralism", Law & Society Review, Vol. 22, No. 5, 1988, p. 870.

[40] Adji Samekto, 2015, *Op.cit,* p. 139.

[41] *Ibid.,* pp. 151-157.

[42] Roberto Mangabeira Unger, "The Critical Legal Studies Movement", *Harvard Law Review,* Vol. 96, No. 3, January 1983, pp. 564, 565. Furthermore, Unger states that formalism refers to a commitment to a method of legal justification that can be clearly contrasted, which ultimately opens up disputes regarding the basic terms of social life in the form of ideological, philosophical, and perceptual disputes. Meanwhile, objectivism refers to the legal materials that wield power - legal systems, cases, and accepted legal ideas - that manifest and persist in a schema that endures within certain groups..[42] Thus, the core of this movement asserts that CLSM is an anti-liberal, anti-objectivism, anti-formalism, and anti-stagnation approach in legal theory and philosophy, influenced by postmodernism, neo-Marxism, and legal realism, which radically breaks down previous legal concepts, questioning legal neutrality to prevent it from always favoring the dominating group.

practical context, paradigms help formulate what needs to be learned, what problems need to be addressed, how to address them, and what patterns or rules must be followed to solve a problem, including those in the realm of law.[43]

Guba and Lincoln have published the existence of 5 paradigms in the social sciences which include the positivism paradigm, post-positivism paradigm, critical theory and others, constructivism paradigm, and participatory/cooperative paradigm.[44] Post-positivist legal knowledge is defined as - or contains - a hypothesis about cause-and-effect relationships to predict and control social phenomena that emerge in society. Post-positivist legalism differs from positivist legalism, as positivism is based on "verification," while post-positivism is based on "falsification." In this regard, legal facts for this group are "not" hypotheses that have been verified but hypotheses that can no longer be falsified.[45] Meanwhile, the ontology of the constructivism paradigm conceives reality as the result of the interpretations of various subjects, leading to the consequence that law is conceived as a reality that is a set of rules resulting from the interpretations of subjects based on social experiences, religion, culture, and other value systems inherent in the subjects under study.[46]

Furthermore, philosophies such as objectivism, subjectivism, realism, idealism, humanism, and rationalism, which Pietersen has polarized, have not yet polarized some other philosophies, such as materialism, existentialism, structuralism, and feminism. Materialism is a philosophy that asserts that the only thing that truly exists is matter. Thus materialism does not recognize the existence of non-material entities such as the spirit (materialism is similar to idealism in that both explain that reality is fundamentally singular, but the point of difference lies about the reality where, according to idealism, it lies in the idea while according to materialism, it consists of matter).[47] Existentialism is a subjective philosophy, a philosophy that is seen from an individual point of view that questions philosophy concerning me and how I live.[48] Then structuralism is synonymous with structural analysis or structural sociology, which is "an approach to social structure, constraints, and opportunities, which is seen to have a more pronounced effect on human behavior than cultural norms or other subjective conditions."[49] Furthermore, feminism is one of the philosophies that pay great attention to the place and nature of women in society. Another legal development that Pietersen has not polarized is responsive law, which is closely related to progressive law that is within the discourse of the relationship between law and power.[50]

Then, the four philosophical frameworks proposed by Pietersen are represented in a meta-jurisprudence building due to the conflict of intellectual system goals towards truth and knowledge (generally centered on philosophy, psychology,

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[43] Reny Y. Sinaga, An Interpretive and Critical Paradigm Study of the "Gerakan Ekonomi Benteng" in Indonesia, *The Scientia Journal of Economics Issues*, Vol. 1, No. 1, 2022, p. 2.

[44] Egon G. Guba and Yvonna S. Lincoln, "Kontroversi Paradigmatik, Kontradiksi, dan Arus Perpaduan Baru", via Norman K. Denzin and Yvonna S. Lincoln (eds), 2011, Qualitative Research, translated by Dariyatno, Yogyakarta, Pustaka Pelajar Press, p. 206.

[45] Erlyn Indarti, Ibid., p. 25.

[46] Adji Samekto, 2015, *Op.cit*, p. 186.

[47] Egon G. Guba and Yvonna S. Lincoln, *Ibid.*, pp. 6.14.

[48] *Ibid.*, p. 7 and 55.

[49] *Ibid.*, pp. 8.3-8.4.

[50] FX. Adji Samekto, "Relasi Hukum dengan Kekuasaan: Melihat Hukum dalam Perspektif Realitas", Jurnal Dinamika Hukum, Vol. 13, No. 1, January 2013, pp. 96, 97.

and history) that requires research agenda skills as the best way out in terms of epistemology.[51] The resolution of this conflict comes from two components that work hard together: a substance related to contemporary jurisprudence and the implementation makes that can minimize epistemological issues.[52]

The representation of philosophy in a meta-jurisprudential building cannot be separated from the relationship between philosophy and philosophy of law (in this case, called jurisprudence), where philosophy is a general and systematic reflection on what exists, what should be done or what is good, and how knowledge related to both is possible. The questions that arise in philosophy concerning the law will raise the same questions in the study of the philosophy of law. In practice, the philosophy of law is bound in reasoning about the innate nature of the law that answers three legal issues stating that the law consists of norms as the meaning of its content forms a normative system and is subsequently used in answering how, as its meaning is connected to the real world, and thirdly used in dealing with the truth or legitimacy of the law. Through it, the relationship between law and morality is established.[53]

C. CONCLUSION

The basic meta-paradigmatic patterns formulated by Pietersen in four types, namely Objectivist-Idealist Jurisprudence Type, Objectivist-Realist Jurisprudence Type, Subjectivist-Realist Jurisprudence Type, and Subjectivist-Idealist Jurisprudence Type have been analyzed by Pietersen and applied very well to branches of law such as legal naturalism and doctrinal law, legal positivism, legal expressivism, pragmatic legal realism, and CLSM. However, Pietersen adopts not all schools of thought in Western philosophy in his four meta-paradigmatic frameworks, some law-related schools of thought associated with the unadopted philosophical schools have not been characterized by their basic knowledge patterns. Some of these unadopted schools of thought include legal feminism, which is closely related to feminist philosophy, legal hermeneutics, which is closely related to hermeneutics philosophy; and the idea of progressive law.

It is hoped that in the future, there will be thorough and in-depth research on philosophical schools of thought (especially Western philosophy), which are fundamentally strongly related to meta-jurisprudence, to be then re-formulated according to a profound analysis in forming their basic paradigm patterns, which can then be applied to even more branches of law that are still applied in the world.

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[51] Edward J. Conry and Caryn L. Beck-Dudley, "Meta-Jurisprudence: A Paradigm for Legal Studies", *American Business Law Journal*, Vol. 33, Issue 4, p. 729.

[52] *Ibid.*, p. 730.

[53] Robert Alexy, "The Nature of Legal Philosophy", *Ratio Juris*, Vol. 17, No. 2, June 2004, p, 156.

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