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## **The position of the relationship between philosophy, philosophy and legal philosophy**

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**Abstract.** Science is a process and a product of knowledge which contains explanations of various phenomena that are the object of its study. Philosophy is a science with its own degree, it tries to find and find truth at a radical level, trying to find the deepest causes of everything that exists as far as it exists. Philosophy of science and philosophy of law are part of philosophy. Philosophy of science is a science of philosophy whose object is a particular science, it examines all matters relating to the practice of science while philosophy of law is a philosophy of philosophy whose object is legal norms, it studies all matters relating to law. Based on this fact, philosophy is the parent of the philosophy of science and philosophy of law.

**Keywords.** philosophy, philosophy of science and philosophy of law

### **Introduction**

The growth and development of science is strongly influenced by the dynamics of the scientific community and various problems that develop in human life. Life problems that occur in everyday life can also be the basis for the development of science. This is caused by human nature who is never satisfied with what he has achieved in life and environmental changes that aren't conducive.

Philosophy that puts forward logical, radical and free exploration is not always able to provide the best solution for humans. Philosophy from time to time never progressed (passive). Philosophers can only think without being able to express the results of their thoughts in a more practical form, this is what is confusing. So science was born which is an expansion of philosophy itself which doesn't rely solely on the power of logic alone, but has tried to describe it with empirical and rational evidence that can be justified.

Of course, in looking for the position and relationship between philosophy, philosophy of science, and the philosophy of law and its constellation, it's necessary to do this first of all. Considering the breadth of the field of philosophy, trimming is expert in giving the opening according to its own point of view.

D. Runes shares philosophy in three main branches, namely: (1) ontology; (2) epistemology; and (3) axiology. Ontology is a form of philosophy which investigates the existence of a certain thing. Epistemology is a type of philosophy that investigates the nature, synergy, arrangement, method, and variables of knowledge. Axiology is a type of philosophy that investigates the value of values, criteria, and position of metaphysics (existence) as a value. (Rudiansyah, 2016)

Jujun S. Surisumantri said, that the philosophical elements which are now known as the people who have formal performance in essence consist of previous philosophers (1); (2) ethics (moral philosophy); (3) aesthetics (art philosophy); (4) metaphysics; (5) politics (government); (6) religious philosophy; (7) philosophy of science; (8) educational philosophy; (9) legal philosophy; (10) historical philosophy; and (11) the philosophy of death. (Suriasumantri, 1985)

A more detailed presentation was provided by Louis O. Kattsof who divided the thirteen fields, namely: (1) logic; (2) methodology; (3) metafisika; (4) ontology; (5) cosmology; (6) epistemology; (7) philosophical biology; (8) philosophical psychology; (9) philosophical anthropology; (10) philosophical sociology; (11) ethics; (12) aesthetics; and (13) philosophy of religion. (Kattsof, 1987)

The discussion also shows how wide the object of philosophical discussion is, which also requires a lengthy explanation to read. From the constellation of philosophies, what is the question of how is the difference and what is the position of the relationship between philosophy, philosophy of science and philosophy of law? As science is a collection of knowledge that has certain characteristics that distinguish science from other knowledge, so the results of the study of philosophy are the basis for the existence of science.

## **Result and Discussion**

### **The Relationship Between Philosophy, Philosophy And Legal Philosophy Science**

Philosophy or scientific designation is the science of philosophy that teaches about the existence of something. There are seven meanings of how philosophy is defined and understood, namely: (Poerbasari, 2015) *First*, philosophy means the soul and mind in an era or era; *Second*, philosophy means the wisdom of personal and collective life of a particular person or group of society; *Third*, philosophy refers to the schools of philosophy, namely ideas or thoughts that have been put forth by thinkers which have their own style and character; *Fourth*, philosophy means science, defined as a discipline or field of study taught by the education system or university; *Fifth*, philosophy means a view of life or *weltanschauung*; *Sixth*, philosophy means world view or *worldview*; *Seventh*, philosophy as a systematic and rational endeavor.

Philosophy as a science works by asking critical, analytical and systematic questions and finding the deepest answers to all questions posed about various objects or symptoms that exist in human experience or thought. While absolute science is proven in an experiment (scientific). (Fachruddin, 2017)

Philosophy tries to seek and find truth at a radical level, tries to find the deepest causes of everything that exists so far as it exists and talks about or makes any reality the object of it's research as long as that reality exists (material objects). In other words, the reality that becomes the object of scientific inquiry in general can also be the object of research or the object of philosophical study.

Philosophy is essentially a critical science. Thus, a critical attitude towards himself is the essence of philosophy. (Sanprayogi and Chaer, 2017) Philosophy doesn't have to absolutely use a certain method to seek answers, instead the reversal of a method is the death of philosophy as a critical science because it will taboo questions that do not pass through the censorship of the method.

It can be concluded, that there are two views on philosophy, namely: *First*, philosophy as an activity that is outside of science as separated in the Renaissance which is a reflection to achieve a essence. *Second*, philosophy as a number of thoughts arranged on several matters, this places philosophy as a science.

That science and philosophy are human intellectual disciplines, but there are differences between the two. Although scientific data comes from reality, the processing uses intellectual or intellectual abilities. Hypothesis stage, problem formulation, conclusion is more of an activity of reason. In philosophy, reflection is a thought process that is speculative and critical. So, science and philosophy are intellectual disciplines because they cannot be separated from the activities of reason that think and feel.

A very common difference is that philosophy focuses more on the "basic questions" or *basic or fundamental question*.(Craig, 2020) Whereas science focuses more on factual symptoms, namely symptoms that can be experienced and observed at least by the human senses, on natural symptoms, namely natural symptoms that can occur repeatedly, regularly, measured, can be predicted and occurs causally.

Philosophy is thinking in an unthinkable way, she is looking for an actual heart from something, Thinking in no way where it means finding something that is something, that is.(Noor, 2018) In terms of philosophy, someone searches and finds an answer and not only by viewing the display (*appearance*) accordingly, keep track of what is called a display of what is called a display, displaying a view that is called a display, displaying the data display. Besides, philosophizing means investigating a problem by exposing philosophical arguments. There are also philosophical arguments which are rational, systematic, comprehensive, comprehensive.

An important concept that needs to be understood about the right of philosophy between others: (a) philosophy is what encourages humans to think critically; (b) philosophical thinking is thinking in a systematic form; (c) philosophy must produce something coherent; (d) philosophical thinking is thinking rationally and logically; and (e) the philosophical thinking process must be detailed and comprehensive.(Sinaulan, 2017)

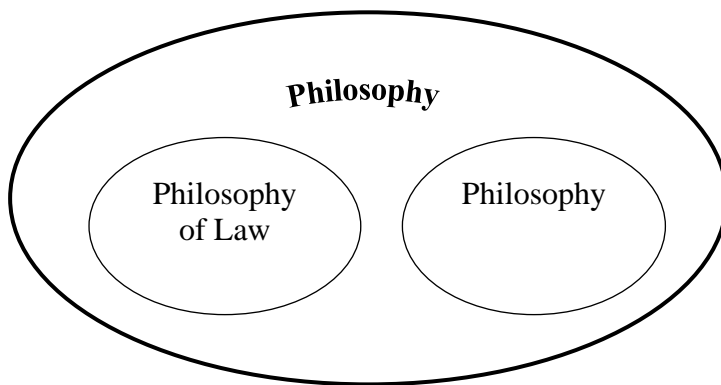
The objectives of the philosophy of science are: (i) returning to the awareness of philosophical thinking; (ii) responding to the issue of the science crisis; (iii) correcting Positivism and Pragmatism; (iv) provide a philosophical basis for the new science; (v) classify science; (vi) building a new paradigm; (vii) correcting old concepts and theories; and (viii) develop human morality and integrity based on the knowledge that is mastered.(Adib, 2015)

Thus, there are philosophical characteristics which also characterize the science of knowledge. The methodical, systematic and rational nature are those that also demand scientific truth. The difference is Philosophers do not want to uphold truth or knowledge only with empirical evidence, even though philosophy can vary greatly from empirical data, while the truth of philosophy is maintained by simply using thought, displaying benefits. The empirical evidence is not the final cause of the philosophical cause that seems empirical, according to Rene Descartes, is deceptive; And thus, hiding the real reality. There are no financial truths in philosophy. Every truth can always be challenged, not by showing new empirical evidence, linking up with building new arguments that are better.

So the correlation between philosophy and the philosophy of science can describe the relationship with the philosophy of law. To put it simply, the philosophy of law can be said as a form of philosophy that governs my behavior or ethics that study the principles of law. In other words, the philosophy of law is a science that studies law in a philosophical way. So, the object of the philosophy of law is the norm of law, and the object is evaluated in a manner at the core or base, which is known as law.(Soekanto, 1986) Hans Kelsen approached the philosophy of law by using the approach as a positivist who later became known as pure law theory.(Kelsen, 1966) Or Miguel Reale who presented a philosophy of law which was later known as critical *ontognosological historicism*. Or H.L.A Hart, who studied the Wittgstein tradition and John Austin, who underwent law as a fusion of two devices. The first stage which

determines the responsibility and the two who account for the acquisition and adjustment of the first stage.(Hart, 2016)

The kayries of ancient Greek philosophers such as Plato(Polansky, 1992) and Aristotle(Pappas, 2013), will be seen clearly that the philosophy of law is a lot of political philosophy. Even though this adult, the philosophy of law has become a number of philosophies that stand alone. A philosophy of law will tell us about the emergence of the law, how it arises and what it's intended for, is the (*genetic*) proposal and the growth and purpose of the law. Law as a set of values, principles and norms of behavior that function to regulate to regulate human behavior in the average life of those who are maintained by an impression that can be exposed to the perpetrators of alertness in order to maintain an alertness of security.



Being a philosophy of law(Magen, 2015) if it's related to the opinion of Aristotle it's a part of the philosophy of ethics. Ethics themselves are good or bad human behavior. What is closely related to (philosophy) of law from the philosophical scheme above is logic and ethics. Logic, regarding the understanding of law, while ethics is the behavior of human beings governed by legal norms.

Thus the relationship between philosophy, philosophy of science and philosophy of law is that philosophy is the basis for thinking about finding the essence of truth, while philosophy of science is the basis for thinking and development until the essence of a science and philosophy of law is philosophizing about the nature of law, so science philosophy is the parent of the philosophy of science and philosophy of law as can be described as follows:

### **Conclusion**

There is a difference between philosophy, philosophy of science and philosophy of law, namely in terms of their object. The object of philosophy is everything that exists, in contrast to the object of philosophy of science whose object is science, while philosophy of law is the object of legal norms. Philosophy predates the philosophy of science. Philosophy is the search for everything about truth, whereas there is a philosophy of science, where science is studied philosophically down to the relationship between man, nature and God. Meanwhile, the philosophy of law is different from the two, namely the philosophy of law is not only a branch of philosophy but it's specific object, namely legal norms. Ontological philosophy of law studies legal norms, epistemologically about the logic of law and its axiology, giving birth to ethics and justice.

Then the position of the relationship between philosophy, philosophy of science and philosophy of law is that philosophy is a science with its own degree, as a basis for thinking to seek the deepest essence of a truth. Meanwhile, the philosophy of science is the basis for thinking and development to the essence of science. Furthermore, the philosophy of law is a

science of philosophy whose object is legal norms. So philosophy is the parent of the philosophy of science and philosophy of law.

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