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Social Justice and Human Rights: A Legal Perspective

Andi Hermawan Setiawan

Universitas Sehati Indonesia,
Indonesia

Firman Nurdiansyah Sunandar

Universitas Sehati Indonesia,
Indonesia

Ahmad Fajar

Universitas Sehati Indonesia,
Indonesia

***Corresponding author:**

Andi Hermawan Setiawan, Universitas Sehati
Indonesia, Indonesia.

✉ andri@usindo.ac.id

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Abstract

Background: Social justice and human rights are fundamental principles shaping contemporary legal systems. Nevertheless, their implementation often faces obstacles arising from structural inequality, economic disparity, and the exclusion of marginalized groups. Legal frameworks play a crucial role in operationalizing these principles within society

Objective: This study seeks to examine the legal dimensions of social justice and human rights by analyzing their conceptual foundations, international legal instruments, and application in national legal systems, with a focus on equality, non-discrimination, and access to justice

Methods: The research employs a doctrinal legal method through the analysis of international human rights treaties, national legislation, judicial decisions, and relevant academic literature. A normative and conceptual approach is used to explore the relationship between social justice theories and human rights law

Results: The findings indicate that international human rights law provides a comprehensive normative framework to support social justice. However, inconsistencies in national implementation, limited institutional capacity, and socio-economic conditions continue to hinder effective legal protection for vulnerable and marginalized groups

Conclusion: The study concludes that a rights-based legal approach is essential for addressing structural inequalities. Strengthening legal institutions and ensuring alignment between national laws and international human rights standards are key to advancing social justice

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INTRODUCTION

Social justice and human rights are fundamental principles that shape legal and political frameworks in modern societies. These principles ensure that individuals receive equal treatment under the law while addressing systemic inequalities that affect marginalized communities (Chen & Gorski, 2015; Gebremedhin & Joshi, 2016; Setiawan et al., 2025). The legal discourse on social justice has evolved through various international treaties, judicial interpretations, and theoretical frameworks, all of which seek to balance individual freedoms with collective well-being (Altwicker, 2022; Bebr, 2023; Forlati, 2020). The intersection of social justice and human rights has long been a subject of debate among legal scholars. Rawls argues that justice is rooted in fairness and equal distribution of resources, while Dworkin emphasizes that rights must be taken seriously to prevent arbitrary state intervention. Moreover, Gear (2010) highlights the need to redirect human rights frameworks to account for corporate responsibility in addressing social inequalities. These perspectives underscore the role of legal systems in not only recognizing rights

but also ensuring their effective implementation in society. At the international level, the Universal Declaration of Human Rights (UDHR) serves as a foundational document that enshrines principles of equality, dignity, and freedom. However, despite its broad recognition, challenges remain in enforcing these rights uniformly across different jurisdictions.

International human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), provide legal obligations for states to uphold social justice, but disparities in enforcement persist (Ahdanisa & Rothman, 2021; Gussoli, 2019; Song & Yang, 2023). National legal systems also play a crucial role in advancing social justice. Constitutional provisions and statutory laws influence how human rights are interpreted and implemented in different countries. For instance, South Africa's constitutional framework explicitly guarantees socio-economic rights, while other jurisdictions emphasize civil and political rights. However, as Fineman (2018) argues, ensuring formal equality is insufficient; legal systems must address inherent vulnerabilities that lead to social disparities. Furthermore, judicial decisions have been instrumental in shaping social justice outcomes. Courts have increasingly taken an activist role in interpreting human rights law to address structural injustices. Landmark cases from the European Court of Human Rights (ECtHR) and InterAmerican Court of Human Rights demonstrate how legal institutions can uphold social justice principles, although enforcement remains a challenge, especially in jurisdictions with weaker legal infrastructures.

Despite legal advancements, numerous barriers prevent the full realization of social justice. Cohen highlights the impact of economic constraints on human rights enforcement. This perspective suggests that effective legal mechanisms must go beyond guaranteeing formal rights and actively dismantle systemic barriers that perpetuate discrimination. Recent legal scholarship has increasingly examined social justice and human rights through contemporary lenses such as vulnerability, socio-economic inequality, access to justice, and state obligations under international law.

Studies by Mayrhofer (2025) and Morris (2023) emphasize vulnerability and care ethics as essential frameworks for understanding inequality beyond formal legal equality. Other research highlights institutional and implementation challenges, including inconsistencies in national compliance with international human rights standards and limited enforcement capacity (Durojaye, 2014; Ploszka, 2023; Sepulveda Carmona, 2014). Moreover, scholars have explored the role of judicial and quasi-judicial bodies in advancing social justice, noting both their transformative potential and structural limitations (Gillett et al., 2024; Shin, 2019). Despite these advances, existing studies tend to address international norms, national legal systems, or judicial practices in isolation. There remains a lack of integrated legal analysis that systematically connects international human rights instruments, domestic legal frameworks, and judicial interpretation as a coherent mechanism for realizing social justice.

This study fills that gap by offering a comprehensive legal perspective that bridges these dimensions, thereby contributing a novel, rights-based analytical framework for understanding how law can more effectively address structural inequalities and promote substantive social justice. This study aims to analyze the legal dimensions of social justice and human rights by examining international legal instruments, national legal frameworks, and judicial interpretations. By identifying gaps in existing legal mechanisms and proposing reforms, this research seeks to contribute to the ongoing discourse on how law can serve as an instrument for achieving meaningful social justice.

METHOD

Research Design

This study adopts a doctrinal legal research design combined with a qualitative analytical approach. Doctrinal legal research focuses on the systematic examination of legal rules, principles, and judicial decisions in order to clarify the law and assess its coherence and effectiveness in addressing social justice and human rights issues (McConville & Chui, 2017). The qualitative orientation supports an in-depth interpretation of legal norms, institutional practices, and human rights frameworks within their social and legal contexts.

Research Approach

The primary research approach employed is normative legal analysis, which examines the development of human rights law and the role of legal institutions in promoting social justice. This approach enables the study to assess how legal frameworks respond to social inequalities and whether existing legal mechanisms adequately protect marginalized groups.

Comparative Legal Analysis

To strengthen the analysis, this study incorporates a comparative legal approach by examining selected legal systems and their approaches to human rights protection. Comparative analysis is used to identify similarities, differences, and best practices across jurisdictions, as well as gaps in legal implementation that hinder the realization of social justice.

Sources of Data

The research relies on primary and secondary legal sources. Primary sources include international human rights treaties, national constitutions, statutory laws, and relevant judicial decisions. Secondary sources consist of peer-reviewed academic journals, legal commentaries, and reports published by international and non-governmental human rights organizations.

Data Collection Techniques

Data collection is conducted through systematic legal document analysis, involving the identification and examination of relevant legal texts, judicial rulings, and scholarly writings related to social justice and human rights law.

Data Analysis Techniques

The data are analyzed using doctrinal legal analysis to interpret legal norms, principles, and judicial reasoning. In addition, qualitative content analysis is applied to identify recurring themes, normative patterns, and legal gaps across jurisdictions. The findings from doctrinal and comparative analyses form the basis for proposing legal reforms aimed at strengthening rights-based approaches to social justice.

RESULTS AND DISCUSSION

Results

International Legal Frameworks Supporting Social Justice

The analysis shows that international human rights instruments provide a strong normative foundation for social justice. The Universal Declaration of Human Rights (UDHR) establishes core principles of equality, dignity, and freedom; however, its non-binding nature limits direct enforcement. Binding treaties such as the ICCPR and ICESCR strengthen state obligations, particularly in relation to non-discrimination, access to justice, and socio-economic rights. Nevertheless, disparities in implementation persist due to variations in domestic incorporation and enforcement mechanisms.

Table 1. International Human Rights Instruments and Their Contribution to Social Justice

Legal Instrument	Legal Status	Key Social Justice Principles	Main Limitations
UDHR	Non-binding	Equality, dignity, freedom	Weak enforcement
ICCPR	Binding	Civil & political rights	Limited socio-economic scope
ICESCR	Binding	Socio-economic justice	Progressive realization

Table 1 demonstrates that the UDHR plays a crucial role in establishing universal norms of equality and dignity but lacks binding enforcement mechanisms. In contrast, the ICCPR and

ICESCR impose legal obligations on states, strengthening the protection of civil, political, and socio-economic rights. However, the ICESCR's principle of progressive realization allows states flexibility, which often delays the fulfillment of social justice objectives. These findings suggest that while international treaties strengthen legal commitments, enforcement remains dependent on domestic implementation and political will.

Effectiveness of Regional Human Rights Mechanisms

Comparative findings reveal that regional human rights courts play a significant role in advancing social justice. The European Court of Human Rights demonstrates relatively strong enforcement through binding judgments, while the Inter-American Court shows progressive jurisprudence on structural inequality. In contrast, the African Court faces challenges related to state compliance and institutional capacity.

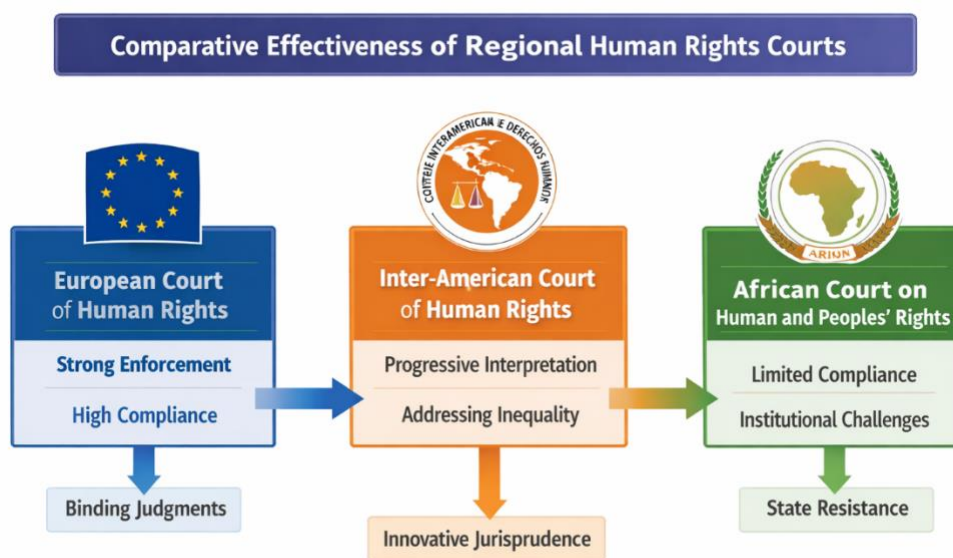


Figure 1. Comparative Effectiveness of Regional Human Rights Courts (*Conceptual scheme*)

1. Strong enforcement: European Court of Human Rights
2. Progressive interpretation: Inter-American Court of Human Rights
3. Limited compliance: African Court on Human and Peoples' Rights

Figure 1 illustrates the comparative effectiveness of regional human rights courts in advancing social justice through human rights adjudication. The European Court of Human Rights demonstrates strong enforcement capacity, characterized by binding judgments and relatively high levels of state compliance. This institutional strength enables the Court to exert significant influence on domestic legal systems and public policies related to equality and fundamental rights. The Inter-American Court of Human Rights is depicted as adopting a more progressive and transformative interpretative approach. Its jurisprudence frequently addresses structural inequality, particularly in cases involving indigenous peoples, gender-based discrimination, and socio-economic marginalization.

While enforcement challenges exist, the Court's innovative legal reasoning contributes substantially to the development of social justice norms. In contrast, the African Court on Human and Peoples' Rights faces persistent limitations related to state resistance, jurisdictional constraints, and weaker institutional support. These factors reduce the effectiveness of its rulings and hinder consistent implementation at the national level. Overall, the figure highlights that while regional courts play a crucial role in translating human rights norms into social justice

outcomes, their impact largely depends on enforcement mechanisms, institutional capacity, and political will.

National Legal Frameworks and Judicial Interpretation

The findings indicate that national legal frameworks serve as the primary mechanism through which international human rights norms are translated into concrete social justice outcomes. Constitutional recognition of human rights provides an essential legal foundation; however, the scope and effectiveness of such provisions vary considerably across jurisdictions. States that explicitly incorporate socio-economic rights into their constitutions, such as the South African model, enable courts to directly address issues related to housing, healthcare, education, and social security. This constitutional design facilitates judicial engagement with substantive equality rather than merely formal equality. In contrast, jurisdictions that prioritize civil and political rights often rely on judicial interpretation to extend human rights protection to social justice concerns. In these systems, courts play a more interpretative role by reading social justice principles into broadly framed constitutional rights, such as equality before the law and human dignity.

The findings show that this approach can promote social justice outcomes, but its effectiveness depends heavily on the willingness of courts to adopt progressive and purposive interpretations of human rights norms. Judicial independence emerges as a critical factor influencing the capacity of courts to advance social justice. Where courts operate within a supportive institutional environment and are insulated from political interference, judicial activism has contributed to the protection of marginalized groups and the correction of structural inequalities. Conversely, in jurisdictions with weak judicial independence or strong executive influence, courts are often constrained in their ability to enforce human rights standards, limiting their impact on social justice. Overall, the results demonstrate that constitutional design, judicial interpretation, and institutional independence collectively shape the effectiveness of national legal systems in realizing social justice through human rights law.

Persistent Challenges in Achieving Social Justice

Despite comprehensive legal frameworks, structural inequalities remain entrenched. Economic disparities, discrimination, and limited access to justice hinder the realization of rights. Political will and resource constraints significantly affect state compliance with international obligations. Emerging issues—such as climate justice, migration, and digital rights—are inadequately addressed by existing legal norms.

Table 2. Key Barriers to Social Justice through Human Rights Law

Category	Identified Barriers
Structural	Poverty, discrimination, inequality
Institutional	Weak enforcement, limited access to courts
Political	Low commitment, policy inconsistency
Emerging Issues	Climate justice, refugee protection, digital privacy

The findings summarized in Table 2 indicate that the realization of social justice through human rights law continues to be constrained by multiple, interrelated barriers. Structural challenges, particularly economic inequality and systemic discrimination, remain the most pervasive obstacles. These conditions disproportionately affect marginalized groups, including women, minorities, migrants, and persons with disabilities, limiting their ability to effectively claim and exercise legally recognized rights. Institutional barriers further weaken the implementation of human rights norms. Limited access to courts, procedural complexity, and insufficient legal aid restrict the capacity of vulnerable populations to seek remedies. In several jurisdictions, weak enforcement mechanisms and inconsistent application of judicial decisions undermine the practical impact of human rights protections, even where legal frameworks are formally robust. Political factors also play a significant role in shaping social justice outcomes.

The findings show that insufficient political will, policy inconsistency, and competing economic priorities often hinder state compliance with international and constitutional human

rights obligations. Governments may formally endorse human rights standards while failing to allocate adequate resources for their implementation. Additionally, emerging social justice issues—such as climate change impacts, forced migration, and digital rights—expose normative gaps within existing legal frameworks. These challenges transcend traditional human rights categories and require adaptive legal responses. Overall, the results demonstrate that achieving social justice requires not only comprehensive legal norms but also structural reform, institutional capacity-building, and responsive governance.

Toward a Rights-Based Legal Framework

The findings demonstrate the necessity of strengthening legal institutions and adopting a rights-based approach that integrates equality, participation, and accountability. Effective realization of social justice requires harmonization between international norms, national legislation, and judicial practice.

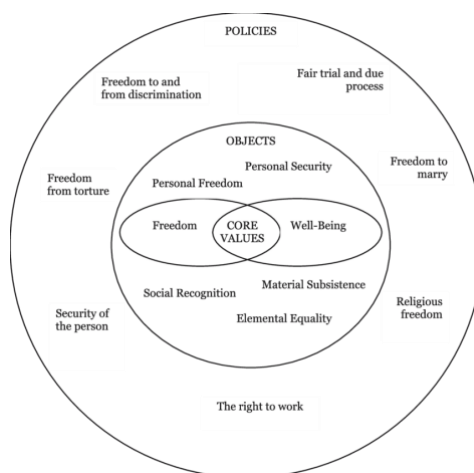


Figure 2. Rights-Based Legal Framework for Advancing Social Justice (Conceptual Scheme)

Figure 2 presents a conceptual scheme illustrating how a rights-based legal framework functions as an integrated mechanism for advancing social justice. The findings indicate that social justice is most effectively realized when **international human rights norms, national legal frameworks, and legal institutions** operate in a mutually reinforcing manner. International human rights standards provide normative guidance, while national constitutions, legislation, and judicial decisions serve as the primary vehicles for domestic implementation.

The framework emphasizes four core pillars: **equality and non-discrimination, participation, accountability, and access to justice**. Equality and non-discrimination ensure that legal protections extend beyond formal recognition to address substantive inequalities affecting marginalized groups. Participation highlights the importance of involving affected communities in legal and policy-making processes, reinforcing the legitimacy and responsiveness of legal systems. Accountability mechanisms—such as independent courts and human rights institutions—enable oversight of state actions and provide remedies for rights violations. Access to justice, supported by legal aid and procedural fairness, ensures that rights are practically enforceable rather than merely symbolic.

The results further show that strengthening legal institutions is central to the effectiveness of a rights-based approach. Independent judiciaries, human rights commissions, and ombudsman institutions enhance legal enforcement and bridge the gap between legal norms and social realities. Where these institutions function effectively, social justice outcomes are more likely to be achieved. Conversely, weak institutions and limited political commitment undermine the transformative potential of human rights law. Overall, the findings demonstrate that a rights-based legal framework offers a comprehensive and systematic pathway for addressing structural inequalities and promoting sustainable social justice.

Discussion

The International Legal Framework for Social Justice and Human Rights

1. The Universal Declaration of Human Rights and its Influence

The Universal Declaration of Human Rights (UDHR) UN General Assembly, serves as the foundation for modern human rights law. The UDHR articulates fundamental principles of equality, freedom, and dignity, which are essential for achieving social justice. The findings indicate that while the UDHR provides a moral and legal framework, its non-binding nature poses challenges in enforcement.

2. The Role of International Treaties and Conventions

International human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), offer legally binding commitments for states. These treaties emphasize non-discrimination, access to justice, and protection of vulnerable populations. However, enforcement mechanisms vary across jurisdictions, leading to disparities in implementation (Grear, 2010).

3. Regional Human Rights Mechanisms

Comparative analysis of regional human rights systems—such as the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights—reveals varying degrees of success in addressing social justice issues. These courts have issued landmark rulings that shape national policies, but enforcement challenges persist, particularly in regions with weaker legal institutions.

National Legal Frameworks and Social Justice

1. Constitutional Provisions for Social Justice

Many national constitutions incorporate provisions that promote social justice, equality, and fundamental rights. For example, the South African Constitution explicitly guarantees socio-economic rights, while the U.S. Constitution focuses on civil and political rights. Findings suggest that while constitutional provisions are crucial, their effectiveness depends on judicial interpretation and political commitment.

2. Statutory Laws and Social Welfare Policies

Statutory laws and welfare policies play a critical role in bridging the gap between legal principles and social realities. Legislation addressing issues such as labor rights, gender equality, and social security contributes to social justice, but enforcement gaps remain significant in many jurisdictions.

3. Case Law Analysis: Judicial Interpretations of Social Justice

Courts have played a vital role in advancing social justice by interpreting human rights laws in favor of marginalized groups. Landmark cases from the European Court of Human Rights and the U.S. Supreme Court demonstrate how judicial activism has shaped social policies. However, judicial independence and political interference impact the extent to which courts can promote social justice.

Challenges in Achieving Social Justice through Human Rights Law

1. Structural Inequality and Legal Barriers

Despite legal advancements, structural inequalities persist due to economic disparities, systemic discrimination, and lack of access to justice. Legal frameworks often fail to address deep-seated injustices affecting minority groups, women, and people with disabilities.

2. State Obligations and Political Will

International human rights obligations require states to implement policies that promote social justice. However, findings indicate that political and economic constraints often hinder compliance with international human rights norms (Roberts, 1998). Some governments prioritize economic growth over human rights, leading to policy inconsistencies.

3. Legal Gaps in Human Rights Protection

Certain legal frameworks remain inadequate in addressing contemporary social justice issues, such as climate justice, refugee rights, and digital privacy. Emerging human rights challenges require legal adaptation and innovation (Lejbowicz & Scodellaro, 2025; Obara et al., 2025).

The Need for a Rights-Based Legal Framework

1. Strengthening Legal Institutions

The study highlights the importance of independent judicial systems, human rights commissions, and legal aid programs in promoting social justice. Strengthening these institutions can enhance legal accountability and access to justice for marginalized communities.

2. Integrating Social Justice into Human Rights Law

Legal scholars argue for a rights-based approach to social justice, which prioritizes equality, participation, and legal empowerment. This requires legislative reforms and proactive policies to address socioeconomic disparities and systemic discrimination.

CONCLUSION

The conclusion should provide a comprehensive yet concise synthesis of the research findings and the analysis presented in the discussion. Authors should not repeat data or introduce new results. Instead, the authors must highlight the synthesis of arguments, the academic position, and the main contributions of the study in a clear and meaningful way. This section should emphasize the scholarly contribution, whether in the form of theoretical reinforcement, the proposal of new perspectives, or relevant practical applications. Based on the limitations discussed in the discussion section, authors are required to suggest directions for future research. These should emerge logically and argumentatively, whether in the form of contextual expansion, exploration of new variables, or the application of different approaches.

Importantly, the conclusion is not an abstract and must not duplicate it; rather, it should serve as the final take-home message for readers, highlighting the main contribution, novelty, and broader significance of the study. The conclusion should be concise and avoid redundancy with other sections, written in a coherent narrative paragraph, not in bullet points or lists. Ideally, this section should comprise approximately 10% of the total manuscript length and should be structured in a way that ties together the entire article into a cohesive and academically robust whole.

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AUTHOR CONTRIBUTION STATEMENT

Andi Hermawan Setiawan contributed to the conceptualization of the study, development of the theoretical framework, and overall research design. Firman Nurdiansyah Sunandar was responsible for data collection, doctrinal and comparative legal analysis, and drafting the Results section. Ahmad Fajar contributed to the literature review, methodological refinement, discussion of findings, and manuscript revision. All authors reviewed and approved the final version of the manuscript and agreed to be accountable for all aspects of the work.

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