

**TEORI HUKUM INTERPRETATIF MENURUT  
RONALD DWORKIN**

Tesis untuk memenuhi sebagian persyaratan mencapai derajat Magister  
Program Studi Magister Ilmu Filsafat



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**TESIS**

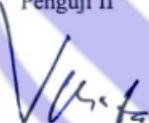
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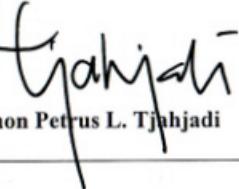
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## ABSTRAK

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- [C] iii + 170 halaman; 2016
- [D] **Kata-kata Kunci:** Teori Hukum Interpretatif, Debat Hart/Dworkin, Positivisme Hukum, Penalaran Hukum, Penalaran Moral, Metodologi Deskriptif, Metodologi Evaluatif, Objektivitas Kebenaran, Teori Ajudikasi, Teori Interpretasi Konstruktif, Teori Integritas, Keadilan (*Justice*), Kepatutan dalam Kesetaraan (*Fairness*), Hukum Acara yang Layak (*Due Process of Law*).
- [E] **Isi Abstrak:** Tesis ini bermaksud untuk memahami gagasan-gagasan Ronald Dworkin tentang teori hukum interpretatif. Teori tersebut tampil pertama-tama sebagai kritik terhadap positivisme hukum H.L.A. Hart. Debat Hart/Dworkin lantas mengemukakan sebuah pergulatan tentang hakikat filsafat hukum yang mengacu pada problematika pemisahan antara hukum dan moralitas. Untuk memahami hal tersebut, di dalam penelitian tesis ini dipaparkan dan dianalisis pemikiran Dworkin yang tertuang di dalam buku *Taking Rights Seriously*, *Law's Empire*, *Justice in Robes*, dan *Justice for Hedgehogs*, serta sebuah artikel Dworkin yang berjudul "*Objectivity and Truth: You'd Better Believe It!*" Tampak bahwa teori hukum interpretatif adalah hasil perkembangan pemikiran Dworkin melalui karya-karyanya tersebut. Teori hukum interpretatif berpangkal pada pandangan penalaran hukum sebagai penalaran moral. Landasan penalaran moral tersebut adalah pandangan bahwa nilai keadilan, etika, dan politik merupakan satu kesatuan dan kesatuan itu bersifat objektif. Tesis yang diajukan di dalam karya tulis ini adalah bahwa teori hukum interpretatif Dworkin merupakan penalaran yang, melalui penafsiran, mengajukan penilaian-penilaian moral terhadap hakikat hukum sehingga meruntuhkan dikotomi-dikotomi seperti fakta/nilai, "ada"/"seharusnya", dan deskriptif/evaluatif dalam pemikiran filsafat hukum.
- [F] **Daftar Pustaka:** 50 (1978-2016)
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