

Legitimate Prejudice in Legal Interpretation: Gadamer's Hermeneutics as an Analytical Framework

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Abstract

Legal interpretation is often influenced by certain prejudices or preconceptions that are regarded as legitimate in the process of understanding legal texts. These prejudices are not necessarily irrational or unfounded; rather, they form part of the interpreter's horizon, shaped by history, culture, and prior knowledge. This article explores the concept of legitimate prejudice within the realm of legal interpretation, using Hans-Georg Gadamer's philosophical hermeneutics as its analytical framework. Gadamer's approach offers a nuanced understanding of how meaning emerges through the fusion of horizons between the legal text and the interpreter's situated perspective, highlighting the productive role of prejudice in the interpretive process. Gadamer's hermeneutics offers an approach that emphasizes the importance of dialogue between the text, the reader, and its historical context. In the context of legal interpretation, legitimate prejudice is not merely viewed as an obstacle but also as a constructive element that enables the creation of legal meaning that is more relevant to social dynamics. This article examines how Gadamer's "fusion of horizons" can help legal practitioners and scholars bridge legal texts with contemporary moral, social, and cultural values. This study employs a normative juridical method combined with a philosophical and hermeneutical approach. The normative juridical method focuses on the analysis of legal norms, principles, and doctrines as they are formulated in legal texts and judicial decisions. Meanwhile, the philosophical approach is used to explore the epistemological foundations of legal interpretation, particularly concerning the role of prejudice and preconceptions in shaping legal meaning. The philosophical approach is used to analyze the concept of prejudice in legal interpretation within the broader framework of legal philosophy and epistemology. Meanwhile, the hermeneutical approach, particularly drawing from Gadamer's theory, is applied to examine how interpretative prejudices shape and influence the legal decision-making process. This perspective allows for a deeper understanding of how legal meaning is not simply derived from the text itself, but is co-constructed through the interaction between the interpreter's historical context, normative assumptions, and the legal text. By integrating Gadamer's hermeneutic principles into the practice of legal interpretation, this article aims to contribute to the development of a more inclusive, critical, and value-oriented theory of legal interpretation.

1. Introduction

Legal interpretation is a complex process involving the interaction between legal texts, readers, and the context in which the law is applied. This process is never free from the influence of biases or pre-existing assumptions in the mind of the interpreter. In Hans-Georg Gadamer's hermeneutics, bias (*vorurteile*, as Gadamer terms it) is not necessarily viewed as an obstacle but as a legitimate prerequisite for understanding a text, including legal texts. Gadamer rejects the notion that understanding can be achieved through absolute objectivity

entirely divorced from bias¹. Instead, he emphasizes that every interpreter brings their horizon of understanding, a set of values, experiences, and knowledge that shapes how they interact with the text.

This horizon of understanding encompasses the values, life experiences, and knowledge possessed by an interpreter. In the process of interacting with legal texts, this horizon allows for what Gadamer calls "fusion of horizons," which refers to the meeting of the interpreter's horizon and the historical horizon of the text. This process does not mean that the interpreter imposes their subjective meaning on the text but rather engages in a dialogue between the text and the interpreter, where both influence each other. In the context of law, this hermeneutic approach offers valuable insights². Legal interpreters, such as judges, lawyers, or scholars, cannot understand legal texts in a sterile manner, detached from their values or context. For example, a judge deciding a case not only refers to the literal text of the law but is also influenced by their cultural background, moral beliefs, and professional experience. Gadamer's hermeneutics gives legitimacy to the subjectivity inherent in the process of legal interpretation. However, this subjectivity does not imply that legal interpretation becomes arbitrary or entirely relative.

The process of legal interpretation in this way ensures that the law does not become trapped in rigid textuality that overlooks the dynamics of social reality³. On the contrary, the law functions as a dynamic tool capable of adapting to the context and needs of society. By utilizing legitimate prejudices, legal interpretation becomes more alive and relevant, as it focuses not only on formal compliance with rules but also on achieving substantive justice. However, it is important to note that the use of legitimate prejudices must be carried out carefully and responsibly. Legal interpreters must always maintain a balance between the moral, social, and cultural values underlying their prejudices and the applicable legal principles. Legal interpretation that draws on legitimate prejudices does not view the law merely as a collection of static rules, but as a dynamic instrument for creating justice within society. Prejudices based on moral and social values are not a weakness but a strength that allows the law to evolve alongside changes in time and the social challenges faced by humanity.

However, it is important to recognize that not all prejudices are legitimate. Gadamer acknowledges the danger of destructive prejudices, such as class, gender, or racial biases, which can obscure the essence of the law as a tool for justice⁴. Therefore, hermeneutics also requires critical reflection to filter out prejudices that are irrelevant or incompatible with the values of justice. Legitimate prejudices, such as the values of justice, equality, and respect for human dignity, need to be upheld because they help bridge the legal text with the social context. On the other hand, illegitimate prejudices must be eliminated to prevent them from

¹ <https://plato.stanford.edu/entries/gadamer/>. Accessed on 25 Dec. 24.

² Gadamer, Hans-Georg. *Truth and Method. Second, Revised Edition*, transl by Joel Weinsheimer and Donald G. Marshall, (New York: Continuum Publishing Group, 2004).

³ W. Bradley Wendel, Value Pluralism in Legal Ethics, 78 WASH. U. L. Q. 113 (2000). Available at: https://openscholarship.wustl.edu/law_lawreview/vol78/iss1/3. Accessed on 25 Dec. 24.

⁴ Gopal DP, Chetty U, O'Donnell P, Gajria C, Blackadder-Weinstein J. "Implicit bias in healthcare: clinical practice, research and decision making". *Future Healthc J*, (2021 Mar); 8(1): 40-48. doi: 10.7861/fhj.2020-0233. PMID: 33791459; PMCID: PMC8004354. Accessed on 25 Dec. 24.

undermining the law's purpose of achieving balance and harmony in society⁵. In legal interpretation, illegitimate prejudices can manifest in various forms, such as when a judge decides a case based on stereotypes or assumptions that are irrelevant to the values of justice. Gender bias, for example, can result in unjust rulings against women in domestic violence cases, while class bias can lead to discriminatory treatment of individuals from lower economic backgrounds.

Through legitimate prejudice, legal interpretation can become more sensitive to societal needs, ensuring that the law functions not only formally but also substantively as a tool for achieving balance and harmony within society⁶. This process of filtering prejudices requires deep reflection and openness to dialogue. Legal interpreters, such as judges and lawyers, must actively scrutinize the assumptions they bring into the interpretation process. In practice, this can be done through a more inclusive approach, open to other perspectives, such as consulting with cross-disciplinary experts or engaging in dialogue with communities affected by specific legal decisions. Legitimate prejudices, rooted in universal values of justice, are essential elements in bridging the legal text with social reality. Conversely, illegitimate prejudices must be eliminated so that the law remains a just, inclusive, and relevant tool for society.

Understanding how prejudice functions in legal interpretation also means recognizing that legal texts do not have fixed or absolute meanings. The meaning of a text is always the result of a dialogue between the text itself and the interpreter's horizon of understanding. In this dialogue, prejudice acts as a starting point that facilitates the process of fusion of horizons, where the horizon of the interpreter's understanding and the historical context of the legal text meet and enrich one another. This fusion of horizons allows a legal text from the past to remain relevant in addressing social and moral challenges in the present. Conversely, the meaning of a legal text is always the result of a dynamic dialogue between the text itself and the horizon of understanding of the interpreter. This dialogue reflects the reciprocal relationship between the historical context in which the legal text was written and the interpreter's perspective, influenced by their values, experiences, and knowledge. Fusion of horizons enables the legal interpreter to bridge this gap, connecting the values and principles contained in the text with the needs of contemporary society⁷.

Several studies on legal interpretation using Gadamer's hermeneutic concept have been conducted by other researchers. First, "The Contribution of the Fusion of Horizons Concept in Gadamer's Hermeneutics to the Formulation Process of the First Principle of Pancasila". In this article, Yasintus Harjon explains that legitimate prejudice is acquired through a dialectical process involving various perspectives, including tradition and historicity. This process is continuous and allows legal interpreters to develop a more authentic and profound

⁵ Hans-Georg Gadamer, *Truth, and Method*, (London and New York: Continuum, 1975): 214.

⁶ Kammerhofer, Jörg, and Jean D'Aspremont, eds. "Using International Legal Positivism." Part. In *International Legal Positivism in a Post-Modern World*, 315–520, (Cambridge: Cambridge University Press, 2014).

⁷ Blandino, Pierangelo, The Possibility of a Uniform Legal Language at the Interplay of Legal Discourse, Semiotics and Blockchain Networks (February 10, 2024). Blandino, P. The Possibility of a Uniform Legal Language at the Interplay of Legal Discourse, Semiotics and Blockchain Networks. *Int J Semiot Law* (2024). <https://doi.org/10.1007/s11196-023-10086-z>, Available at SSRN: <https://ssrn.com/abstract=4722268>. Accessed on 25 Dec. 24.

understanding of legal texts⁸. *Second*, “Gadamer’s Hermeneutics in Legal Studies”, which discusses the application of Gadamerian hermeneutics in the context of legal analysis, with a particular focus on the role of prejudice in the process of understanding legal texts. The author distinguishes between legitimate prejudice and arbitrary prejudice, and emphasizes the importance of the interpreter’s awareness of the potential bias arising from their preconceptions. This awareness enables the interpreter to grasp the truth intended by the legal text⁹.

The third article, “The Fallacy of Legal Hermeneutics According to Hans-Georg Gadamer”, written by Fernando Morganda Manullang, explores the complexity of applying Gadamer’s hermeneutics in legal contexts, particularly regarding the notion of prejudice. The author asserts that prejudice is an ontological precondition for understanding. In legal interpretation, hermeneutics serves to bridge the gaps within legal dogmatics by uncovering the ontological dimensions behind legal texts. Together, these three studies offer valuable insights into how legitimate prejudice and Gadamer’s hermeneutic concepts can be applied to legal interpretation in order to achieve a more authentic and context-sensitive understanding of the law¹⁰.

In contrast to the three aforementioned studies, this article specifically examines the concept of "legitimate prejudice" in legal interpretation as a constructive element, rather than merely an obstacle in understanding the meaning of legal texts. Drawing from Gadamer’s hermeneutic philosophy, this article positions prejudice not as a negative bias, but as an epistemological precondition inherent in every act of understanding. In the legal context, legitimate prejudice refers to the initial assumptions rooted in legal tradition, social values, historical experience, and the interpreter’s horizon of knowledge, which can facilitate a productive dialogue between the legal text and social reality. The fusion of horizons is not a forced merging of two viewpoints, but a dialogical process in which the legal text "speaks back" to an interpreter who is open to new possibilities of meaning – especially in the face of contemporary social and moral complexities.

Within this framework, legitimate prejudice functions as a bridge between the normative structure of law and the social values embedded in society. It encourages a mode of legal interpretation that is more reflective, critical, and inclusive, enabling the law to evolve dynamically in response to the challenges of the times. Through this approach, the study not only critiques overly textual or positivistic models of legal interpretation, but also offers an interpretive framework that integrates historical, cultural, and ethical dimensions into a more holistic reading of legal texts. Thus, this research provides both theoretical and practical

⁸ Yasintus Harjon, “Sumbangan Konsep Fusi Horizon dalam Hermeneutika Gadamer bagi Proses Perumusan Sila Pertama Pancasila”, *Pancasila: Jurnal Keindonesiaan*, (Vol. 03, No. 02, Oktober 2023): 179-190.

⁹ Lina Kushidayati, “Hermeneutika Gadamer dalam Kajian Hukum”, *YUDISIA*, (Vol. 5, No. 1, Juni 2014): 65-82.

¹⁰ Fernando Morganda Manullang, “Sesat Pikir Aplikasi Hermeneutika Hukum Menurut Hans-Georg Gadamer”, *Jurnal Hukum & Pembangunan*, (Vol. 48, No. 2, 2018): 393-410.

contributions to the development of a value-based legal interpretation method, one that is open to social realities and grounded in ethical and dialogical interpretive awareness.

Gadamer's hermeneutic approach contributes significantly to the development of a more adaptive and value-oriented theory of law. In the context of a dynamic modern world, law can no longer be seen merely as a rigid set of rules, but rather as an integral element in maintaining social harmony and promoting human well-being. By attending to the moral, social, and cultural values that underpin the life of a community, Gadamerian hermeneutics helps shape a form of law that is not only technical but also deeply humanistic. Through this discussion, the article seeks to answer the central question: How can Gadamer's hermeneutics offer a constructive approach to legal interpretation? The answer to this question will demonstrate that hermeneutics is not only theoretically relevant but also possesses practical implications in ensuring that the law remains relevant, inclusive, and effective in addressing the complex challenges faced by contemporary society.

2. Methods

This research uses the research method of legal philosophy with a hermeneutic approach to analyze the role of legitimate prejudice in the process of legal interpretation based on the thoughts of Hans-Georg Gadamer. Hermeneutics, as a branch of philosophy that focuses on theories of understanding and interpretation, provides a relevant analytical framework to explore the interaction between legal texts, moral, social, and cultural values, and how such texts can continue to be relevant in the context of modern society. Gadamer's hermeneutic approach provides the philosophical foundation for this research. Gadamer emphasizes that the understanding of legal texts is never separated from the interpreters' horizon of understanding, which includes their values, experiences and knowledge. This process allows the meaning of legal texts to evolve and adapt to the social and moral challenges of the present.

One of the main focuses of this research is to realize that not all prejudices are legitimate. Gadamer warns that destructive prejudice can obscure the purpose of law as an instrument of justice. Hence, hermeneutics demands critical reflection to distinguish between prejudices that enrich the process of legal understanding and those that hinder it. In this context, values such as equality, respect for human dignity, and inclusiveness are considered legitimate prejudices that must be integrated in the interpretation process. The results of the research are expected to demonstrate that a hermeneutical approach is not only theoretically relevant, but also has significant practical implications in ensuring the law can serve as a dynamic tool for creating inclusive substantive justice. By integrating Gadamer's hermeneutical principles, this research contributes to the development of a more adaptive and humanistic legal theory.

3. Results and Discussion

3.1 Gadamer's Hermeneutics: Concept and Framework

In everyday life, prejudice is often understood with negative connotations, associated with bias or inaccuracy in decision-making. In the legal context, prejudice is often perceived as a threat to objectivity and fairness. However, in a hermeneutical perspective, especially as proposed by Hans-Georg Gadamer (1900-2002), prejudice has a much richer and complex

definition¹¹. In this case, prejudice is not as something to be avoided, but as a positive element that can contribute to the process of understanding, including in legal interpretation. Gadamer argues that all human understanding starts from a certain horizon-the framework of values, experiences, and knowledge that one has before interacting with a text¹². In other words, no understanding is completely free from prejudice, as humans cannot completely escape the historical, social, and cultural contexts that shape the way they think. These prejudices are present as initial assumptions brought by legal interpreters, such as judges, academics, or other legal practitioners.

According to Hans-Georg Gadamer, all processes of understanding always begin from a particular horizon, which is a framework of values, experiences, and knowledge that a person possesses before engaging with a text or object. This horizon provides an initial foundation for someone to approach and interpret the text or object being examined. Without this horizon, the process of understanding would be impossible, as humans require prior references of values, experiences, or knowledge to bridge the gap to something new or unfamiliar. In Gadamer's perspective, no understanding is entirely free from prejudice. This is since humans are always situated within specific historical, social, and cultural contexts that shape their way of thinking. Prejudice, in this sense, does not solely imply negative bias but rather includes interpretive frameworks that facilitate the process of understanding. This notion of prejudice is closely related to the concept of historical horizon in Gadamer's hermeneutics. The historical horizon refers to the temporal and situational context in which a legal text was created, reflecting the values, culture, and needs of society at that time. When an interpreter engages with a legal text, they bring their horizon of understanding, which reflects the values, experiences, and knowledge of the present.

Through the framework of hermeneutics, prejudice can be re-evaluated as a constructive element in legal interpretation¹³. Prejudice not only provides a foundation for understanding legal texts but also plays a crucial role in contextualizing the law within social realities. For example, a judge with a positive prejudice toward the values of social justice may view legal texts not merely as a collection of formal rules but as tools to create balance and harmony within society. Prejudice also acts as a medium to revitalize the relevance of the law in an ever-changing context. In the process of fusion of horizons, the interpreter's understanding merges with the historical horizon of the legal text, creating new meanings that resonate with contemporary circumstances. This process allows prejudice to contribute to enriching legal understanding without losing its moral essence. Prejudice serves as the initial foundation enabling interpreters to approach legal texts with a specific horizon of understanding. By doing so, hermeneutics transforms prejudice into a dynamic and essential component of legal interpretation, ensuring that the law remains adaptive, inclusive, and capable of addressing

¹¹ Ann E. McManus Holroyd. "Interpretive Hermeneutic Phenomenology: Clarifying Understanding", *Indo-Pacific Journal of Phenomenology*, 7, 2, (2007). 1-12, DOI: 10.1080/20797222.2007.11433946. Diakses pada 14 Desember 2024.

¹² Dobrosavljev, D. "Gadamer's Hermeneutics as Practical Philosophy", *Philosophy, Sociology and Psychology*, Vol. 2, No. 9, (2002), 606-618.

¹³ Silalahi, A. D. "Some Debates of Hermeneutic And Legal Interpretation: Critical Analysis of Hans-Georg Gadamer Philosophical Hermeneutics". *Mimbar Hukum*, 36 (2024): 213-233. <https://doi.org/10.22146/Mh.V36i1.9493>. Accessed on 25 Dec. 24.

modern challenges. The writing of the Result and Discussion section contains the result or research findings which is followed by a scientific discussion.

This prejudice fosters a more flexible and responsive interpretation of legal texts, addressing social challenges such as economic inequality or discrimination, thereby enabling the law to serve as a relevant instrument for achieving substantive justice. Moreover, prejudice allows legal texts to be contextualized within an ever-changing social reality. When a law created in the past confronts contemporary issues, the interpreter's prejudice can act as a medium to reinterpret the text, ensuring its relevance. This process not only preserves the moral essence of the law but also enriches its meaning by incorporating social, economic, and cultural dynamics¹⁴. Gadamer describes understanding as a fusion of horizons, a meeting between the interpreter's horizon of understanding and the historical horizon of the legal text. The horizon of understanding reflects the values, experiences, and knowledge that interpreters bring to the interpretive process, while the historical horizon represents the context in which the legal text was created¹⁵.

This fusion of horizons transforms legal texts, which may initially appear rigid and limited, into living and dynamic instruments. In this way, prejudice is not merely an element that enriches understanding but also a means to revive the relevance of the law in addressing contemporary social and moral challenges¹⁶. Prejudice can be seen as a constructive element that supports the development of an inclusive and value-based legal framework. Such prejudice ensures that the law does not remain a rigid formal tool but evolves into an instrument capable of reflecting society's aspirations for a better life. In other words, constructive prejudice plays a pivotal role in bridging legal texts with the real needs of society, allowing the law to function as a tool for achieving balance and harmony. Additionally, prejudice helps bridge the gap between the textual nature of the law and the complexities of social reality.

In Indonesian customary law, the prejudice that the law must protect vulnerable groups is reflected in the communal management of natural resources, aimed at maintaining ecosystem balance and safeguarding the rights of indigenous communities. Similarly, the civil law tradition embodies the prejudice that the law must evolve alongside social dynamics, as seen in the interpretation of statutes to address challenges posed by emerging technologies. At the international level, the prejudice toward universal humanitarian values, such as respect for human rights, underpins the establishment of institutions like the International Criminal Court (ICC)¹⁷. These legitimate prejudices enable the law to transcend its formal limitations, fostering substantive justice that aligns with societal needs. By integrating these values, the law becomes not only a technical tool but also a means to achieve broader social harmony and justice.

¹⁴ Mukthie Fajar, *Theories of Contemporary Law*, (Malang: Equivalent Press, 2014): 82.

¹⁵ Menzies, Nicholas and Meg Taylor (2012) "Unearthing Legal Pluralism", in Brian Tamanaha, Caroline Sage and Michael Woolcock (eds.) *Legal Pluralism and Development* (New York: Cambridge University Press, 2012): 23.

¹⁶ Abdelwahab M. Elmessiri, *BIAS: Epistemological Bias in the Physical and Social Sciences*, (London: The International Institute Of Islamic Thought, 2006): 17.

¹⁷ Muhammadin, Fajri Matahati, Kay Jessica, *Recent Developments In International Criminal Law*, (Yogyakarta: Fakultas Hukum, Universitas Gadjah Mada, 2022): 39.

In understanding a text, the interaction between its parts and the whole plays a crucial and complementary role. This concept is known as the hermeneutic circle, where understanding the parts helps shape the meaning of the whole, while the whole provides a context for interpreting the parts¹⁸. This process is dynamic, as the interpretation of the whole can evolve with deeper analysis of specific parts, and vice versa. The entirety of the text offers a framework that gives clarity and meaning to its components, such as words, phrases, or specific clauses. Conversely, the individual parts function as building blocks that elucidate the purpose and significance of the whole. This process is not linear but dialogical, where understanding continually develops through a reciprocal relationship between the parts and the whole. This dynamic nature of the hermeneutic circle reflects the inherently evolving character of human understanding, which is never final. The interpretation of the parts and the whole progresses through an ongoing process of reflection, ensuring that meaning remains fluid and responsive to deeper insights.

The hermeneutic circle holds profound relevance in legal interpretation. In the context of law, understanding a single article or provision cannot be separated from the overarching purpose and structure of the legislation¹⁹. Conversely, the comprehension of the entire legal text is also shaped by the analysis of its parts. This dynamic process allows legal interpreters to continually revise and enrich their understanding through an ongoing dialogue between the text and its context. This concept is particularly pertinent in aligning laws with social and historical dynamics. Legislation enacted in the past must be adaptable to address contemporary challenges, such as advancements in technology or shifts in social values, without disregarding its primary objectives. Through this approach, the law can embody substantive justice, going beyond mere formal justice, and remain relevant to the evolving needs of society.

Moreover, through Gadamer's concept of the fusion of horizons, legal interpreters can integrate contemporary values with the historical context of legal texts, creating interpretations that are both relevant and meaningful. The hermeneutic circle ensures that the law remains responsive to the evolving times while preserving its integrity and essence as a tool for achieving justice. This approach enables the law to stay relevant amidst the shifts in social, cultural, and technological dynamics without losing its foundational substance or moral values. Within the framework of the hermeneutic circle, legal interpretation becomes more than a process of understanding rules textually, it is an effort to bridge the past with the present needs²⁰. This process involves a reciprocal relationship between the parts and the whole of the legal text, where the understanding of specific provisions is influenced by the overarching purpose of the law, and vice versa.

The process of the fusion of horizons provides flexibility for the law to remain relevant in addressing social, cultural, and technological dynamics. In an ever-evolving world, the law

¹⁸ Packer, M. J. "Hermeneutic inquiry in the study of human conduct". *American Psychologist*, 40, 10, (1985): 108-193.

¹⁹ Konstantin G Vertsman, "Gadamerian Hermeneutics in Practice as a Paradigm for Legal Interpretation and Analysis", 54 ST. MARY'S L.J. 487 (2023). Available at: <https://commons.stmarytx.edu/thestmaryslawjournal/vol54/iss2/6>. Accessed on 25 Dec. 24.

²⁰ Eskridge, William N. "Gadamer/Statutory Interpretation." *Columbia Law Review* 90, no. 3 (1990): 609-81. <https://doi.org/10.2307/1122910>. Accessed on 25 Dec. 24.

not only functions as a regulatory mechanism but also serves as a bridge between the past and the present needs. Legal interpretation focuses not only on the textual aspects but also on the values underlying the creation of the law. This approach allows the law to transcend its technical nature, transforming into a medium for achieving substantive justice and moral balance in society. Through the fusion of horizons, the law evolves from mere formal rules into an instrument that is socially relevant and ethically meaningful.

3.2 Prejudice Based on Legal Traditions and Doctrines

In legal interpretation, prejudice based on legal traditions and doctrines serves as an initial framework that assists interpreters in systematically and consistently understanding texts. Legal traditions, such as common law with its emphasis on precedents or civil law with its focus on statutes, provide values that shape interpretive approaches²¹. Similarly, legal doctrines, such as equity in common law or *maqasid al-shariah* in Islamic law, create the presumption that the law must achieve substantive justice and public welfare. These prejudices ensure the continuity of the law and its relevance to contemporary needs, including cases involving modern technology or social issues. However, critical reflection is necessary to ensure that these prejudices align with contemporary values and do not impede the law's responsiveness to social changes. By applying tradition and doctrine-based prejudices wisely, the law can remain relevant, adaptive, and justice-oriented.

On the other hand, legal doctrines provide values that enrich the interpretive process. In common law, for instance, the doctrine of equity instills the presumption that law should aim for substantive justice, going beyond the limitations of formal rules. Similarly, in Islamic law, the doctrine of *maqasid al-shariah* emphasizes the importance of achieving public welfare (*maslahah*) through the application of legal principles. These doctrines ensure that legal interpretation is not rigidly confined to normative boundaries but remains responsive to moral values and social needs. Tradition and doctrine-based prejudices play a strategic role in maintaining the continuity of the law²². By grounding itself in tradition, the law can preserve its historical legitimacy. However, tradition is not static. In addressing contemporary issues, such as the development of modern technology or emerging social challenges, legal traditions must be reinterpreted to stay relevant to the demands of the times. Likewise, in civil law systems, statutory interpretation can be adapted to address modern issues, such as data privacy or artificial intelligence, while adhering to the law's ultimate purpose of fostering social balance²³.

Although tradition and doctrine-based presumptions provide clear direction in legal interpretation, critical reflection remains essential to prevent their application from becoming irrelevant or even counterproductive. Presumptions that are not updated under contemporary values risk obstructing the law's responsiveness to social change. For example, overly rigid adherence to precedent in common law may hinder legal innovation, while uncritical reliance on statutory texts in civil law could result in substantive injustice. To address these challenges,

²¹ Watsons, Alan. 2009. "Comparative Law and Legal Change". *The Cambridge Law Journal*, (Vol. 37, No. 2, 2009): 313-336.

²² Abdul Jalil, M. and Khalilur Rahman, M. "Islamic Law of Contract is Getting Momentum". *International Journal of Business and Social Science*. Vol.1 2, (2001).

²³ Francis J Mootz III, "The New Legal Hermeneutics," *Scholarly Works William S. Boyd School of Law* (1994), 118.

legal interpreters must wisely balance respect for tradition with openness to the needs of modern society. A hermeneutic approach that considers the fusion of horizons between historical and contemporary contexts offers a solution to ensure that the law remains relevant, adaptable, and justice-oriented²⁴.

Tradition and doctrine-based presumptions also play a significant role in guiding legal interpreters to consider evolving social contexts and values. This enables the law to transcend its textual boundaries and function as a tool for social transformation. The existence of such presumptions demands flexibility to prevent the law from becoming trapped in the rigidity of outdated traditions or doctrines. Legal interpreters must adapt these presumptions in a way that maintains the integrity of the law while ensuring its relevance to contemporary challenges. The experiences and context of the reader are crucial elements in interpretation, as they shape how the text is understood. Experience creates a horizon of understanding, a framework of values and knowledge that allows readers to interpret texts contextually²⁵. Meanwhile, the social, cultural, and political contexts of the reader help connect the text's meaning to the realities they face. In legal interpretation, the reader's experiences and context enable the law to remain relevant to modern issues such as human rights or digital technology.

The experiences and contexts of readers also play a vital role in ensuring that interpretation is not solely textual but also reflects relevant moral, social, and justice-based values²⁶. In the legal realm, this means interpreters do not merely understand legal texts within the framework of formal rules but also situate them within the complex realities of life. When the reader's experiences are valued as an integral part of interpretation, the process becomes more reflective, relevant, and contributes to a more humanistic understanding. For instance, a judge who comprehends the social context of a particular community can render decisions that are more inclusive and just, considering the law's impact on vulnerable groups. Similarly, readers who engage directly with contemporary issues, such as social inequality or digital rights, can create space for more progressive legal interpretations.

Readers' experiences with contemporary issues, such as social inequality, technological changes, or digital rights, also pave the way for more progressive legal interpretations. This approach ensures that law not only regulates but also protects and strengthens human values. One challenge in legal interpretation lies in balancing textual understanding with contextual relevance. A strictly textual approach may overlook the impact of legal rules on society, while an overly contextual approach risks undermining legal stability²⁷. In practice, acknowledging readers' experiences and contexts has led to positive changes in various legal cases. For example, in cases concerning the protection of indigenous groups, judges who understand

²⁴ Dreyfus, Hubert. "Beyond Hermeneutics: Interpretation in the Late Heidegger and Recent Foucault", in *Hermeneutics: Questions and Prospects*, edited by Gary Shapiro and Alan Sica, (MIT Press, 1984).

²⁵ Martín-Rodríguez, M.M. The Reading Process: An Intertextual Approach. In: Yoshimi, J., Walsh, P., Londen, P. (eds) *Horizons of Phenomenology. Contributions to Phenomenology*, (Vol 122, 2023). Springer, Cham. https://doi.org/10.1007/978-3-031-26074-2_14. Accessed on 25 Dec. 24.

²⁶ Kucirkova, N., & Cremin, T. (2024). Funds of courage: advancing social justice in children's reading for pleasure. *Cambridge Journal of Education*, 54, 4, (2024): 437–454. <https://doi.org/10.1080/0305764X.2024.2369576>. Accessed on 25 Dec. 24.

²⁷ Griffin, Rachel. "Rethinking Rights in Social Media Governance: Human Rights, Ideology and Inequality." *European Law Open* 2, no. 1 (2023): 30–56. <https://doi.org/10.1017/el.2023.7>. Accessed on 25 Dec. 24.

local cultural values can interpret natural resource laws in ways that safeguard indigenous communities' rights. Legal interpretations that are responsive to readers' experiences and contexts bridge moral, social, and justice-based values with the evolving needs of society.

Prejudices also assist legal interpreters in connecting texts with their historical contexts. A law or legal doctrine is never created in a vacuum but is instead a product of specific social, political, and cultural conditions. By employing historical prejudices, interpreters can uncover the underlying reasons for the creation of a law, ensuring that arguments are rooted not only in the text but also in the values and objectives intended by the lawmakers. For instance, in interpreting a constitution, a prejudice toward the spirit of nationalism that inspired its drafting can enrich arguments about the importance of unity and equality within the nation. This approach ensures that laws are applied not just literally but in alignment with the fundamental values upon which they are based²⁸. By understanding the historical context, legal interpreters can delve into the foundational reasons behind the establishment of a law. This enables arguments to be built not only on the explicit content of the text but also on the values and goals that lawmakers sought to achieve.

The approach that leverages historical prejudices also enables the law to remain relevant amidst changing times. When addressing contemporary issues such as digital technology, human rights, or social inequality, legal interpreters can draw upon the historical values embedded within legal texts to provide answers that resonate with modern challenges. For instance, in interpreting laws related to digital privacy, a prejudice toward individual freedom values, as expressed in historical documents like the Declaration of Human Rights, can serve as a guiding principle. In addition to contextualizing the law, historical prejudices act as guardians of the fundamental values underpinning legal systems. This approach ensures that laws are applied not just literally but in alignment with the spirit that inspired their creation. Thus, historical prejudices allow the law to remain adaptive without compromising its moral integrity.

In legal interpretation, there is often a gap between the written legal text and the ever-changing social reality²⁹. Prejudices can serve as a tool to bridge this gap by incorporating contemporary values into the interpretive process. For instance, a prejudice toward social justice can help interpreters understand how formal legal texts can be substantively applied to create equality in society. Reflectively applied prejudices enable legal interpreters to construct more comprehensive argumentative narratives. In this process, prejudices function not only as initial assumptions but also as tools to explore the moral, social, and cultural dimensions associated with legal texts. Interpreters can use prejudices to consider diverse perspectives, ensuring that legal arguments address not only technical aspects but also value-driven dimensions.

²⁸ Biehler, Hilary. "Upholding Standards In Public Decision-Making: Getting The Balance Right." *Irish Jurist* 57 (2017): 94–118. <http://www.jstor.org/stable/26448101>. Accessed on 25 Dec. 24.

²⁹ Jarrah, Mashal Mufleh, Safa Hakem Mestarih, and Ghazi Ayed Alghathian. "Judicial Interpretation of Legal Texts: A Study in Jordanian Legislation.", *Cogent Social Sciences* 10, (1, 2024). doi:10.1080/23311886.2024.2354359. Accessed on 25 Dec. 24.

3.3 The Implications of Gadamer's Hermeneutics on Contemporary Legal Interpretation

Legitimate prejudices play a critical role in legal interpretation as they provide an initial framework for interpreters to understand legal texts within their relevant social, moral, and historical contexts. Rooted in universal values, principles of justice, and social experiences, these prejudices guide legal interpretation toward a more substantive and contextual approach³⁰. In the hermeneutic perspective, particularly as articulated by Gadamer, legitimate prejudices are not obstacles but rather the foundation that allows legal interpretation to be dynamic, responsive, and just. Every legal norm is born out of specific social and moral contexts, and understanding these contexts is essential to ensuring fair application of the law. Legitimate prejudices, such as the belief that the law aims to protect human rights or maintain social balance, help interpreters view the law not merely as a collection of formal rules but as a tool for achieving broader social goals.

Every legal norm arises from specific social, moral, and historical contexts³¹. Understanding these contexts is essential to ensuring that the application of the law remains both relevant and just. Legitimate prejudices, such as the belief that the law is designed to protect human rights, advance social welfare, or maintain societal balance, provide interpreters with a clear direction to perceive the law not merely as a collection of formal rules but as a tool to achieve broader social objectives. For instance, in interpreting laws related to environmental protection, the legitimate prejudice that the law must safeguard ecosystem balance can guide the interpretation to ensure that legal norms are applied not only technically but also in alignment with the goals of sustainability and ecological justice. Within Gadamer's hermeneutic framework, legal interpretation is a dialogical process that involves the interaction between legitimate prejudices and contemporary contexts³². These prejudices empower the law to remain dynamic and adaptable to the changing times.

Moreover, legitimate prejudices help bridge the historical values underlying the creation of laws with the needs of modern society. This ensures that the law is not merely applied literally but also reflects the spirit and objectives that underpin its existence. Legitimate prejudices serve as a foundation for ensuring that legal interpretation leads to substantive justice. In the context of criminal law, for example, the prejudice that the law aims to protect the rights of victims while also safeguarding the rights of defendants fosters a balance in the judicial process. This approach ensures that the law functions not only as a tool for enforcing norms but also as a means to achieve holistic justice. Similarly, in family law, the legitimate prejudice that the law must protect the best interests of the child can influence judicial decisions to prioritize the child's welfare over other considerations. This perspective aligns legal outcomes with the broader aim of achieving fairness and societal harmony.

In the context of criminal law, the prejudice that the law must protect the rights of victims without neglecting the rights of the accused serves as a crucial foundation for achieving balanced justice. For instance, in cases of sexual crimes, courts that recognize the victim's

³⁰ Chiassoni, Pierluigi. "Perspectives in Pragmatics", *Philosophy & Psychology Pragmatics and Law*, (2017). DOI: [10.1007/978-3-319-44601-1_5](https://doi.org/10.1007/978-3-319-44601-1_5). Accessed on 25 Dec. 24.

³¹ Shapiro, Scott. *Legality*. (Cambridge, Mass.: Harvard University Press, 2011).

³² Ludwig, Kirk. *From Individual to Plural Agency: Collective Action* 1. 2 vols. Oxford: Oxford University Press, 2016).

trauma as a significant element in legal interpretation demonstrate how legitimate prejudices can contribute to more inclusive and empathetic decisions. This approach is also evident in the application of the presumption of innocence. The prejudice that defendants must be protected from arbitrary actions underscores the importance of procedural justice, while the emphasis on protecting victims reflects a focus on substantive justice. In family law, the legitimate prejudice that the law should safeguard the best interests of the child stands as a principal guideline in many court rulings. For example, in divorce cases, judges often consider the emotional and psychological impact on children before deciding custody arrangements. This prejudice ensures that family law serves not merely as a tool for resolving disputes between parties but also as a means to protect future generations³³. The child-centered approach in family law exemplifies how legitimate prejudices can enrich the process of legal interpretation with values that resonate with contemporary needs, such as the protection of vulnerable groups.

In many cases, legal texts may not explicitly mention the protection of certain groups, but prejudices rooted in values of equality and social justice can fill such gaps. For instance, in land disputes between indigenous communities and large corporations, the prejudice that the law must protect vulnerable groups encourages interpretations favoring indigenous communities³⁴. This ensures that the law is not merely formalistic but also functions as a tool for social advocacy. Similarly, in cases of religious freedom, prejudices emphasizing the importance of tolerance allow for legal interpretations that safeguard all religious groups, including minorities. These prejudices not only provide moral and social contexts to legal texts but also ensure that the law serves as an instrument of protection for those requiring greater support. This interpretative approach includes recognizing indigenous land rights (*ulayat*), appreciating cultural uniqueness, and acknowledging the contributions of indigenous communities to environmental sustainability³⁵.

In a broader context, legitimate prejudices create opportunities for the law to become a conflict resolution tool that respects the principles of restorative justice and social harmony. Legitimate prejudices ensure that the law is not merely a collection of static rules but also a responsive mechanism attuned to the changes of the times. In the context of protecting vulnerable groups, these prejudices help ensure that the law remains relevant amidst emerging challenges. For example, in issues concerning digital rights and personal data protection, the prejudice that the law must protect individuals from exploitation enables legal interpretations aimed at balancing technological innovation with human rights. This approach is also evident in addressing issues involving social inequality, such as access to healthcare

³³ Thomas W. Merrill, *Legitimate Interpretation – or Legitimate Adjudication?*, 105 Cornell L. Rev. 1395 (2020). Available At: https://Scholarship.Law.Columbia.Edu/Faculty_Scholarship/2701. Accessed on 25 Dec. 24.

³⁴ Rowena Rodrigues, *Legal and human rights issues of AI: Gaps, challenges and vulnerabilities*, Journal of Responsible Technology, Volume 4, 2020, 100005, ISSN 2666-6596, <https://doi.org/10.1016/j.jrt.2020.100005>. Accessed on 25 Dec. 24.

³⁵ Siallagan, Damai, *Hukum Adat as Embodied Law: Assessing the Legal Regimes Governing Indigenous Land Rights in Indonesia* (October 09, 2024). Canadian Law Review Research Paper No. 12, Available at SSRN: <https://ssrn.com/abstract=4986123> or <http://dx.doi.org/10.2139/ssrn.4986123>. Accessed on 25 Dec. 24.

and education. By incorporating the legitimate prejudice that the law aims to ensure equal opportunities, legal interpretations can be directed toward reducing existing disparities and fostering a fairer environment for all parties.

The principles of hermeneutics bring significant implications for legislators and judges³⁶. These two main actors within the legal system bear the responsibility to ensure that the laws created and enforced reflect substantive justice, social relevance, and adaptability to societal dynamics³⁷. Legitimate prejudices place a substantial obligation on legislators and judges to create and interpret laws that are both fair and relevant. Legislators must design legal norms that are clear, flexible, and reflective of justice values, enabling the law to adapt to social changes. Additionally, they must explicitly incorporate legal principles or objectives to guide judges in interpreting the text contextually.

Lawmakers bear the responsibility of designing legal norms that are not only clear but also flexible. Good legal norms should reflect universal values of justice and specific social relevance of their time, enabling them to adapt to social, economic, and technological changes. For instance, in drafting regulations on personal data protection, lawmakers must consider privacy as a fundamental human right while addressing the dynamics of technological advancements. Furthermore, lawmakers need to explicitly establish legal principles or objectives within legislation. This is crucial to provide clear guidance for judges in interpreting the law contextually. As a result, legal norms can be applied not merely textually but also in ways that address societal needs while considering the fundamental values underpinning them³⁸. On the other hand, judges, as interpreters of the law, hold the responsibility of ensuring that their decisions reflect substantive justice and social relevance.

For judges, legitimate prejudice serves as a framework to bridge legal texts with social realities. Judges must critically utilize this prejudice, balancing flexibility with legal certainty, and ensuring that their decisions reflect substantive justice. By considering social and moral contexts, judges can maintain the relevance of law amidst societal dynamics. Collaboration between lawmakers and judges is crucial to creating laws that are responsive, adaptive, and justice-oriented. With this approach, the law evolves beyond a mere collection of formal rules to become a tool for fostering social harmony and well-being. The success of a responsive and justice-oriented legal system relies not only on judges but also on close collaboration between lawmakers and judges³⁹. Lawmakers are responsible for crafting legal norms that are clear, adaptable, and reflective of justice values. Meanwhile, judges are tasked with interpreting those norms contextually, taking into account social realities.

³⁶ Mootz, Francis J. III, "The Ontological Basis of Legal Hermeneutics: A Proposed Model of Inquiry Based on the Work of Gadamer, Habermas and Ricoeur" (1988). Scholarly Works. 49. <https://scholars.law.unlv.edu/facpub/49>.

³⁷ Sudiarawan, K. A., Tanaya, P. E., & Hermanto, B. "Discover the Legal Concept in the Sociological Study". *Substantive Justice International Journal of Law*, 3 (No. 1, 2021): 94-108. <https://doi.org/10.33096/sjijl.v3i1.69>. Accessed on 25 Dec. 24.

³⁸ Kurki, Visa A. J. *Legal Personhood. of Elements in Philosophy of Law*. (Cambridge: Cambridge University Press, 2023).

³⁹ Rohman, M, M., Mark, E., Maharjan, K. "The Position of Judges in the Indonesian Legal Idea". *Rechtsnormen Journal of Law*, 1 (2023), 95-104. <https://doi.org/10.55849/rjl.v1i2.392>. Accessed on 25 Dec. 24.

Law must bridge the traditions of the past with the needs of modern society to remain relevant and adaptive. Legal traditions, such as principles of justice, equality, and human rights protection, provide a stable foundation for the legal system. However, these values must be translated into contemporary contexts, addressing issues like digital data protection, artificial intelligence, and climate change. This process can be achieved by adapting traditional legal principles to modern challenges, for example, applying constitutional privacy rights to data security issues. Gadamer's concept of the fusion of horizons facilitates the integration of traditional values with contemporary realities, creating new meanings that remain true to their foundational roots⁴⁰. The balance between stability and flexibility is key, ensuring that the law stays relevant without compromising its core principles.

An effective legal system must bridge the traditions of the past with the needs of modern society. Legal traditions, such as the principles of justice, equality, and human rights protection, provide a stable foundation and serve as guidelines for regulating societal life⁴¹. However, these values must not remain static; the law must be capable of translating these principles into the context of an ever-changing era. Traditional legal principles, such as substantive justice and the protection of individual rights, are intellectual and moral legacies that remain relevant across different periods. For example, the concept of justice has been central to various legal systems from the classical era to the modern age. This principle serves as a guide in creating a legal framework that ensures no party is harmed or treated unfairly. As society confronts new challenges such as digital data protection, artificial intelligence (AI), and climate change, legal traditions need to be adapted to provide solutions that align with contemporary conditions⁴².

One way to adapt traditional law to modern needs is by applying established principles to emerging issues. For example, constitutional privacy rights, originally designed to protect personal spaces, can now be extended to regulate digital data security⁴³. In this context, legal traditions are not merely applied but reinterpreted to remain relevant in the face of new technologies and patterns of social interaction. In the realm of artificial intelligence, for instance, the principle of justice can be applied to address algorithmic biases that might lead to inequality in automated decision-making. Traditional principles of equality serve as a guide in crafting regulations that ensure technology does not reinforce discrimination or social disparities. Gadamer's concept of the fusion of horizons, introduced in hermeneutics, offers a vital theoretical approach for this process. Fusion of horizons involves integrating past and present perspectives to create a new understanding that stays true to traditional values while addressing contemporary needs effectively.

⁴⁰ Lavery, S. M. (2003). Hermeneutic Phenomenology and Phenomenology: A Comparison of Historical and Methodological Considerations. *International Journal of Qualitative Methods*, 2, (3, 2003): 21-35. <https://doi.org/10.1177/160940690300200303>. Accessed on 25 Dec. 24.

⁴¹ Bhushan, Tripti (2024) "Artificial Intelligence, Cyberspace and International Law," *Indonesian Journal of International Law*, Vol. 21: No. 2, Article 3. DOI: 10.17304/ijil.vol21.2.3 Available at: <https://scholarhub.ui.ac.id/ijil/vol21/iss2/3>. Accessed on 25 Dec. 24.

⁴² Liane Colonna & Stanley Greenstein (editors), *Law in the Era of Artificial Intelligence*, (Stockholm: The Swedish Law and Informatics Research Institute (IRI), 2022): 25.

⁴³ Adebukola, A. A., Navya, A. N., Jordan, F. J., Jenifer, N. J., & Begley, R. D. "Cyber security as a threat to health care". *Journal of Technology and Systems*, 4 (1, 2022): 32-64.

The digital era presents new challenges in legal interpretation, such as personal data protection, hate speech, and the influence of artificial intelligence. Gadamer's hermeneutics, with its concepts of the fusion of horizons and legitimate prejudices, offers a relevant approach to bridging traditional legal values with modern legal needs. The fusion of horizons allows traditional values like justice and privacy to be translated into the digital context, addressing technological challenges without losing their essence⁴⁴. Legitimate prejudices, such as a commitment to human rights and social justice, guide the interpretation of legal norms in a relevant and contextual manner. In cases like hate speech on social media, this approach balances freedom of expression with the protection of human dignity. Through a dynamic dialogue between legal texts and the digital context, Gadamer's hermeneutics fosters inclusive, responsive, and relevant interpretations amid the complexities of modern technology.

The complexities of modern technology often place the legal system in situations where traditional rules must be applied to unprecedented contexts. Gadamer's hermeneutics, through the concepts of the fusion of horizons and legitimate prejudices, provides a relevant approach to bridging traditional legal values with the demands of contemporary law. Gadamer's fusion of horizons enables the integration of traditional values such as justice, privacy, and equality with the modern context dominated by digital technology. In an increasingly interconnected digital world, these principles must be reinterpreted to maintain their relevance. For instance, the traditional value of privacy, recognized in constitutional law, now needs to be applied to regulate personal data protection in the era of big data⁴⁵. In cases like data security, the fusion of horizons helps legal interpreters understand how past notions of privacy can be adapted to safeguard individuals against data breaches by major tech corporations. In this way, traditional values are not only preserved but also expanded to address new challenges.

Legitimate prejudices provide an interpretative framework that ensures laws remain relevant to evolving social needs. Prejudices, such as commitments to human rights and social justice, guide legal interpreters in addressing complex issues of the digital era. For example, in cases of hate speech on social media, the prejudice towards upholding human dignity helps interpreters balance freedom of expression with protection against discrimination or verbal abuse. This approach avoids overly literal or rigid legal interpretations, ensuring that laws are contextual and responsive to societal realities. Judges, policymakers, and law enforcement officials can employ legitimate prejudices to offer fair and balanced solutions in cases involving digital technology. Amid the dominance of data and extensive information collection by technology companies, the law must safeguard individuals from data misuse⁴⁶. Using Gadamer's hermeneutical approach, traditional privacy principles can evolve into

⁴⁴ Laverty, S. M. "Hermeneutic Phenomenology and Phenomenology: A Comparison of Historical and Methodological Considerations". *International Journal of Qualitative Methods*, 2 (3, 2003): 21-35. <https://doi.org/10.1177/160940690300200303>. Accessed on 25 Dec. 24.

⁴⁵ Gerard Buckley, Tristan Caulfield, Ingolf Becker, How might the GDPR evolve? A question of politics, pace and punishment, *Computer Law & Security Review*, Volume 54, 2024, 106033, ISSN 0267-3649, <https://doi.org/10.1016/j.clsr.2024.106033>. Accessed on 25 Dec. 24.

⁴⁶ Nowell, L. S., Norris, J. M., White, D. E., & Moules, N. J. (2017). Thematic Analysis: Striving to Meet the Trustworthiness Criteria. *International Journal of Qualitative Methods*, 16 (1, 2017). <https://doi.org/10.1177/1609406917733847>. Accessed on 25 Dec. 24.

robust, contextual data protection policies, exemplified by the General Data Protection Regulation (GDPR) in Europe. This demonstrates how legitimate prejudices can shape adaptive and socially responsive legal frameworks⁴⁷.

Social media provides a platform for freedom of expression, but it also opens space for hate speech⁴⁸. Gadamer's hermeneutics offers a dynamic approach to interpreting legal norms by considering both the value of freedom and the protection of human dignity. This fosters the development of policies that address hate speech without undermining the right to free expression. AI presents new challenges in terms of algorithmic fairness and the potential for bias in automated decision-making⁴⁹. Legitimate prejudices such as equality and social justice can guide regulations ensuring that AI is used ethically and transparently, preventing discrimination and minimizing the risks of technology misuse. By integrating traditional values into modern challenges through a dynamic dialogue between legal texts and the digital context, Gadamer's hermeneutics creates a more inclusive, responsive, and relevant interpretation. This approach ensures that law is not just a set of formal rules, but also an instrument that promotes substantive justice amidst technological and social change.

Gadamer's hermeneutic approach also helps create a more inclusive law in the digital age, where various perspectives and interests intersect. In the regulation of artificial intelligence, for example, values such as justice, transparency, and inclusivity can be integrated with the principle of technological efficiency. The fusion of horizons enables policymakers and legal interpreters to align technological advancements with the protection of human rights, creating a balance between innovation and social responsibility. Moreover, the dynamic interaction between legal texts and the digital context requires more flexible and adaptive interpretation. Gadamer's hermeneutics emphasizes that texts are never understood apart from their social context. Through this approach, the law functions not only as a tool for regulation but also as a mechanism to create harmony between societal needs and technological demands.

Gadamer's approach provides a new dimension in understanding the law, making it more than just a tool for regulation. In the context of the digital era, which is filled with new challenges, the law can function as a mechanism to create harmony between societal needs and technological demands⁵⁰. One of the key contributions of Gadamer's hermeneutics is its ability to create a balance between stability and flexibility in the law. Stability is needed so that the law remains grounded in universal values that form the foundation of justice, such as respect for human dignity and protection of individual rights. Meanwhile, flexibility is key for

⁴⁷ Laurence E. Diver, *Digisprudence Code as Law Rebooted* (Edinburgh: Edinburgh University Press Ltd, 2022): 43.

⁴⁸ Sergio Andrés Castaño-Pulgarín, Natalia Suárez-Betancur, Luz Magnolia Tilano Vega, Harvey Mauricio Herrera López, "Internet, social media and online hate speech. Systematic review, Aggression and Violent Behavior", Volume 58, (2021), 101608, ISSN 1359-1789, <https://doi.org/10.1016/j.avb.2021.101608>. Accessed on 25 Dec. 24.

⁴⁹ Th. Kirat, O. Tambou, V. Do, A. Tsoukiàs, Fairness and explainability in automatic decision-making systems. A challenge for computer science and law, *EURO Journal on Decision Processes*, Volume 11, 2023, 100036, ISSN 2193-9438, <https://doi.org/10.1016/j.ejdp.2023.100036>. Accessed on 25 Dec. 24.

⁵⁰ Silalahi, A. D. "Some Debates of Hermeneutic and Legal Interpretation: Critical Analysis Of Hans-Georg Gadamer Philosophical Hermeneutics". *Mimbar Hukum*, 36 (1, 2024): 213-233. <https://doi.org/10.22146/Mh.V36i1.9493>. Accessed on 25 Dec. 24.

the law to adapt to social changes and technological developments. This responsiveness is evident in regulations that can adjust to contemporary needs, such as protecting personal data, preventing the misuse of technology, and creating transparency in digital transactions.

Amid the dynamics of the digital era, the law must be able to face new challenges without losing its fundamental essence. Gadamer's hermeneutic approach provides a philosophical foundation for creating relevant and adaptive law. Through a dialogue between legal texts, tradition, and contemporary realities, the law can continue to evolve without sacrificing the values that form its foundation. Thus, the law not only functions as a regulatory tool but also as a mechanism to create social harmony, maintain a balance between innovation and responsibility, and ensure that technological developments remain within the corridors of ethics and justice. This makes the law more than just a formal instrument, but also a tangible manifestation of society's aspirations to achieve collective well-being.

4. Conclusion

Understanding and utilizing legitimate prejudice is key to creating legal interpretations that are relevant, reflective, and just. By bridging legal texts with social realities, supporting substantive justice, and incorporating inclusive perspectives, legitimate prejudice ensures that the law not only functions as a formal rule but also as a dynamic tool for creating social balance and protecting human rights. Critical reflection on this prejudice ensures that legal interpretation is not only relevant to the times but also remains faithful to the underlying moral principles. Gadamer's hermeneutics offers a constructive and dynamic interpretative approach, allowing texts to remain relevant without losing their foundational values. By emphasizing the dialogue between the text and the interpreter, and integrating legitimate prejudices reflectively, this approach creates an understanding that is responsive to modern needs. In the context of law, Gadamer's hermeneutics ensures that legal interpretation is not only technical but also inclusive and oriented toward substantive justice, making law an adaptive and meaningful tool for society. Increasing hermeneutic literacy among legal practitioners is an important step toward creating a responsive, relevant, and just legal system. By understanding the hermeneutic approach, legal practitioners can interpret legal texts more reflectively and contextually, bridging traditions with modern needs. Through integration in legal education and professional practice, hermeneutics can become a foundation for creating inclusive, dynamic, and substantive legal interpretations in addressing the challenges of the times.

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