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Rawls's Justice as Fairness and Indonesian Health Policy: A Doctrinal Framework for Equity-Oriented Reform

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The study aims to analyze the application of John Rawls' Theory of Justice in Indonesia's health system policy, emphasizing how principles of justice can promote fairness and equality in the provision of health services, especially for disadvantaged populations.

The method used was a judicial normative (doctrinal) approach. This study critically reviewed legal and philosophical texts relevant to the Indonesian health policy framework, integrating Rawls' theory as an analytical lens.

The novelty of this research lies in the operationalization of Rawls' abstract philosophical principles into a structured evaluation framework (Rawlsian grid) and its application to the Indonesian socio-political and cultural context. This allows for a systematic assessment of inequalities in the health system and proposals for equitable policy solutions.

The findings show that programs such as the National Health Insurance Scheme (JKN) have contributed to broader access to health care, but disparities remain in remote and underdeveloped areas. Using the Rawlsian grid, the study highlights challenges in budget allocation, health worker distribution, and infrastructure access. Recommended strategies include reallocating health budgets, fair distribution of health workers, expansion of telemedicine, and participatory planning.

The concludes that integrating Rawlsian principles of justice through a structured evaluation framework can support a more inclusive and sustainable health system in Indonesia, ensuring fair and equal access to quality health services for all citizens.

Keywords: John Rawls' Theory of Justice; Health System Policy; Universal Health Coverage

Abstrak

Tujuan penelitian ini untuk menganalisis penerapan Teori Keadilan John Rawls dalam kebijakan sistem kesehatan Indonesia, dengan menekankan bagaimana prinsip-prinsip keadilan dapat mempromosikan keadilan dan kesetaraan dalam penyediaan layanan kesehatan, terutama bagi populasi yang kurang beruntung.

Metode penelitian yang digunakan Menggunakan pendekatan normatif yudisial (doktrinal), studi ini secara kritis meninjau teks-teks hukum dan filosofis yang relevan dengan kerangka kebijakan kesehatan Indonesia, dengan mengintegrasikan teori Rawls sebagai lensa analitis.

Kebaruan Penelitian ini terletak pada pengoperasionalan prinsip-prinsip filosofis abstrak Rawls menjadi kerangka evaluasi terstruktur (grid Rawlsian) dan menerapkannya pada konteks sosio-politik dan budaya Indonesia. Hal ini memungkinkan penilaian sistematis terhadap ketidaksetaraan dalam sistem kesehatan dan usulan solusi kebijakan yang adil.

Hasil penelitian ini menunjukkan bahwa program seperti Skema Asuransi Kesehatan Nasional

(JKN) telah berkontribusi pada akses kesehatan yang lebih luas, namun kesenjangan tetap ada di daerah terpencil dan kurang berkembang. Menggunakan grid Rawlsian, studi ini menyoroti tantangan dalam alokasi anggaran, distribusi tenaga kesehatan, dan akses infrastruktur. Strategi yang direkomendasikan meliputi realokasi anggaran kesehatan, distribusi tenaga kesehatan yang adil, perluasan telemedisin, dan perencanaan partisipatif.

Kesimpulan penelitian bahwa mengintegrasikan prinsip keadilan Rawlsian melalui kerangka evaluasi terstruktur dapat mendukung sistem kesehatan yang lebih inklusif dan berkelanjutan di Indonesia, memastikan akses yang adil dan setara terhadap layanan kesehatan berkualitas bagi semua warga negara.

Kata kunci: Teori Keadilan John Rawls; Kebijakan Sistem Kesehatan; Cakupan Kesehatan Universal

1. INTRODUCTION

Health is a fundamental human right and an essential component of public well-being. In Indonesia, fulfilling the right to health is still a complex issue, especially related to equal access and quality of health services.¹ Therefore, to address such problems, an entirely just approach is needed to overcome this challenge.

This article uses the concept of justice offered by John Rawls in one of his best works, "A Theory of Justice." One of Rawls' concepts of justice is "Justice as Fairness," which should be considered relevant input in assessing and improving the health system.² In this theory, Rawls emphasizes the importance of the principle of justice in building a just society. Rawls proposes two main principles of justice: First, everyone should have an equal right to fundamental freedoms; second, social and economic inequalities must be reduced so that the least advantaged will benefit the most.³ From the health perspective in Indonesia, the first principle emphasizes the importance of equal access to health services for all citizens without discrimination. However, the second principle regarding the need for affirmative policies is worth considering, considering Indonesia's diverse context in terms of demographics, geography, infrastructure, and so on.

Justice as fairness, as developed by John Rawls, is highly relevant in the context of Indonesia's persistent inequalities in access to health services. Although legal guarantees exist, such as Article 28H(1) of the 1945 Constitution of the Republic of Indonesia—which affirms the right of every person to health—and Law No. 17 of 2023 on Health, the implementation of these provisions continues to face major challenges. Key problems include limited resources, unequal distribution of health workers and facilities across regions, and inadequate health infrastructure, particularly in remote and rural areas.⁴

¹ Endang Wahyati Yustina and Anggraeni Endah Kusumaningrum, "The Principle of Non-Discrimination in Health Services in the Perspective of Government Responsibility," *Untag Law Review (ULREV)* 3, no. 2 (2019): 188–98.

² John Rawls, *Justice as Fairness: A Restatement* (Harvard University Press, 2001).

³ Otniel Ogamota Mendrofa, "Pembatasan Kebebasan Beragama Berdasarkan Teori Keadilan Dan Hak Asasi Manusia," *Milthree Law Journal* 1, no. 1 (2024): 30–61.

⁴ Rina Agustina et al., "Universal Health Coverage in Indonesia: Concept, Progress, and Challenges," *The Lancet* 393, no. 10166 (2019): 75–102.

Rawls's view (particularly public reason) is an essential capacity that enables plural societies to live together despite fundamental differences in values, beliefs, and conceptions of goodness.⁵ Rawls defines public reason as the ability to convey ideas or arguments that are acceptable to everyone involved in a public debate about ideas of justice.⁶ Health policies must be designed by considering the interests and needs of all groups in society, not just the dominant or majority group, so that they can be widely accepted and supported.

Rawls' theory of justice as fairness is built upon two main principles. The first principle affirms that each person has an equal right to the most extensive basic liberties compatible with the same liberties for others. The second principle states that social and economic inequalities are permissible only if they are arranged so that (a) they provide the greatest benefit to the least advantaged members of society, and (b) they are attached to positions and offices open to all under conditions of fair equality of opportunity (FEO). Rawls further establishes a principle of lexical priority: basic liberties hold precedence over FEO, and FEO takes precedence over the difference principle. This ordering ensures that fundamental liberties cannot be compromised for reasons of efficiency or utility, including in the formulation of health policies.⁷

The principle of FEO goes beyond mere formal equality by requiring that individuals with similar talents and motivation should enjoy the same prospects, regardless of their social background. Applied to the Indonesian health system, FEO calls for equal access to healthcare services, facilities, and professional opportunities for both urban and rural populations. Without the realization of FEO, disadvantaged groups in remote and underdeveloped regions remain structurally excluded from the enjoyment of their constitutional right to health. The difference principle functions as an operational instrument for addressing inequality. It permits disparities only to the extent that they improve the situation of the least advantaged. In the context of health policy, this principle implies that programs and budget allocations must be directed toward reducing gaps in access and outcomes—for instance, by strengthening healthcare infrastructure in underserved regions, ensuring the equitable distribution of health professionals, and expanding telemedicine services. In this way, the difference principle provides a normative benchmark against which Indonesia's health reforms can be evaluated.⁸

The difference principle functions as an operational instrument for addressing inequality. It permits disparities only to the extent that they improve the situation of the least advantaged. In the context of health policy, this principle implies that programs and budget allocations must be directed toward reducing gaps in access and outcomes—for instance, by strengthening healthcare infrastructure in underserved regions, ensuring the equitable distribution of health

⁵ Otto Gusti Ndegong Madung, "Konsep Liberalisme Politik John Rawls Sebagai Jawaban Terhadap Tantangan Masyarakat Plural Dan Kritik Atasnya," *Diskursus-Jurnal Filsafat Dan Teologi Stf Driyarkara* 18, no. 2 (2022): 218–37.

⁶ Sedat Yazici, "Unity with (in) Plurality: Rawls's Idea of Public Justification Reinterpreted," *South African Journal of Philosophy* 23, no. 2 (2004): 120–33.

⁷ Shaun P Young, "Reflections on Rawls," *The Review of Politics* 70, no. 2 (2008): 260–71.

⁸ Zoe Fritz and Cairiona L Cox, "Integrating Philosophy, Policy and Practice to Create a Just and Fair Health Service," *Journal of Medical Ethics* 46, no. 12 (2020): 797–802.

professionals, and expanding telemedicine services. In this way, the difference principle provides a normative benchmark against which Indonesia's health reforms can be evaluated. Beyond distributive arrangements, Rawls emphasizes the importance of public reason as the deliberative capacity that allows pluralistic societies to coexist despite deep differences in values and beliefs. Public reason refers to the practice of presenting arguments in terms that all reasonable citizens can accept, regardless of their comprehensive doctrines. In Indonesia's plural society, health policies must therefore be justified not only in terms of technical efficiency or majority preference, but also through principles that reflect an overlapping consensus a shared acceptance of justice across religious, cultural, and political divides. Aligning Rawls' individual-centered conception of justice with Indonesia's collectivist ethos and local wisdom ensures that the application of Rawlsian principles in health policymaking becomes both contextually relevant and socially legitimate.⁹

Nevertheless, Rawls' theory remains relevant as a guide to building a just health system. Rawls' principles can be a reference in formulating policies that ensure that groups in remote and low-income areas receive special attention and priority.¹⁰ In Indonesia, applying Rawls' principle of justice means designing and implementing health policies that actively and focus on improving the health conditions of people in marginalized areas and increasing access to and quality of services for economically disadvantaged groups.

Implementing Rawls' principles in Indonesian health policy can encourage innovation in the provision of fairer and more equitable health services. By focusing on equitable access, the government and service providers can develop creative solutions, such as using digital technology and telemedicine, to reach people in remote and previously difficult-to-reach areas.¹¹ According to Rawls' principle of justice, this effort can increase health services coverage and quality for all levels of society.

This step is implemented by applying Rawls' justice framework at the health level in Indonesia, with the hope that a fairer and more equitable health system can be built.¹² Fairly granting citizens fundamental rights will improve social cohesion and the overall quality of health services. This study will explore how Rawls' principles of justice can be applied to strengthen Indonesia's health system and achieve more equitable and just health services for all.

A critical implication of Rawls' theory is the need for special attention to society's most disadvantaged groups in terms of access to health services. Therefore, the government must allocate adequate resources to improve health facilities and infrastructure in remote and slum

⁹ Nur Solikin and Moh Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid Al-Shari'a," *Ulumuna* 27, no. 1 (2023): 315–40.

¹⁰ Mardiaty Nadjib and Pujiyanto Pujiyanto, "Health Expenditure Patterns by Marginal and Vulnerable Groups," *Makara Journal of Health Research* 6, no. 2 (2010): 35–46.

¹¹ Ferry Sudarto et al., "Developing of Indonesian Intelligent E-Health Model," in *2018 Indonesian Association for Pattern Recognition International Conference (INAPR)* (IEEE, 2018), 307–14.

¹² Budi Setiyono, "Perlunya Revitalisasi Kebijakan Jaminan Kesehatan Di Indonesia," *Politika: Jurnal Ilmu Politik* 9, no. 2 (2018): 38–60.

areas and expand the coverage of health insurance for the poor. Rawls emphasized that social and economic inequalities should be addressed to benefit disadvantaged communities the most. Therefore, the main priority of applying Rawls' theory to the health system in Indonesia is to ensure fair and quality access for communities in disadvantaged and low-income areas by encouraging equal distribution of health resources and facilities across regions.

In addition to the principle of fairness, Rawls also emphasized the importance of broad participation of various groups in society, including the socio-economically disadvantaged, in the formulation of health policies. Governments must actively involve the community at all stages of the decision-making process related to health services so that the resulting policies can reflect the interests, needs, and aspirations of all levels of society.¹³ This will ensure that the health system built is truly responsive and well accepted by all citizens.

Indonesia is rich in cultural diversity and local traditions, so Rawls' theory must be applied to the health system to consider and accommodate these aspects. In building a fair health system, the top-down approach must be balanced with efforts to combine traditional health practices with local wisdom that the community has long embraced. The built health system will be more contextual and accepted by accommodating and appreciating conventional health practices. It can run effectively according to the needs and values of the diverse Indonesian community. This will increase public acceptance and trust in health services provided by the government.¹⁴

Another challenge in implementing Rawls' theory in Indonesia is the problem of corruption and misuse of resources. To ensure fairness in the provision of health services, the government must strengthen governance and accountability in the health sector and involve active community participation in the monitoring and evaluation of health programs. This is important to prevent irregularities and ensure that the allocation of health resources is truly utilized for the benefit of the neediest community, by Rawls' principle of justice. In addition, transparency and community involvement can also increase public trust in the health system, so that efforts to realize justice and equity can be more effective.¹⁵

Integrating John Rawls' principles of justice into the Indonesian health system is an essential step towards realizing the right to health for all citizens, although implementing it is not without difficulties.¹⁶ A more equitable, inclusive, and quality health system as a whole can be built by prioritizing the principle of justice and prioritizing disadvantaged groups in society. This can be realized through efforts such as increasing the allocation of resources to improve infrastructure and health services in remote areas and expanding the scope of health insurance

¹³ Jon Mandle, "John Rawls, Justice as Fairness: A Restatement, Cambridge, Harvard University Press, 2001, Pp. xviii+ 214.," *Utilitas* 14, no. 2 (2002): 265–68.

¹⁴ A Y Asmara and A Y S Rahayu, "Sustaining Innovation on Public Health Service by Building Creative Culture in Rural Areas: Case on Program of Pemburu-Bumil-Resti at Banyuwangi Regency-Indonesia," in *IOP Conference Series: Earth and Environmental Science*, vol. 328 (IOP Publishing, 2019), 12034.

¹⁵ Zahra Wanisa and Roy Valiant Salomo, "Evaluasi Satu Dekade Pembangunan Zona Integritas Di Instansi Pemerintah Pusat Indonesia," *Sawala: Jurnal Administrasi Negara* 11 (2023): 1–18.

¹⁶ Cipto Rizqi Agung Saputro and Fenny Fathiyah, "Universal Health Coverage: Internalisasi Norma Di Indonesia," *Jurnal Jaminan Kesehatan Nasional* 2, no. 2 (2022): 204–16.

schemes that economically disadvantaged communities can access. In addition, community involvement and participation, including vulnerable groups, in formulating health policies are also important keys to ensuring that the built health system is truly responsive to the needs and aspirations of all levels of society.

The realization of a fair and equitable health system in Indonesia requires strong and continuous commitment from the government, health service providers, and the broader community. Close cooperation and synergy among these stakeholders are essential for effectively and sustainably implementing Rawls' principles of justice in health policy. However, despite the existence of many policies such as the National Health Insurance (BPJS) Indonesia's current approach has not fully addressed the requirements of social justice as envisioned by Rawls. For instance, the distribution of healthcare facilities and professionals remains highly uneven, particularly disadvantaging people in rural and remote areas. Moreover, existing regulations do not explicitly prioritize marginalized groups, even though Rawls' difference principle requires that inequalities be arranged to benefit the least advantaged.

Filling this gap is crucial because health is not only a constitutional right but also a foundation for social cohesion and national resilience. By embedding Rawls' justice framework, policies could be designed to more directly address structural disparities, ensuring that the needs of vulnerable groups are given explicit priority. This would mean reallocating resources toward underserved areas, integrating local wisdom into health programs, and establishing mechanisms for participatory policy-making that reflect Indonesia's plural values.

Ultimately, efforts to build a just health system are not merely a matter of fulfilling state obligations but also an investment in the nation's future. Ensuring equitable access for all citizens will improve overall welfare, strengthen social integration, and foster the stability necessary for sustainable economic growth and human development. By applying John Rawls' principles of justice, Indonesia can move closer to a health system where everyone regardless of social, economic, or geographic background enjoys equal and high-quality access to healthcare services.

2. METHOD

This study adopts a doctrinal legal approach, also known as a normative juridical method, which is integrated with John Rawls' philosophical framework. The objective is to evaluate the legal architecture underpinning Indonesia's health system through the lens of justice as fairness.¹⁷

The corpus of primary sources includes the 1945 Constitution of the Republic of Indonesia (particularly Article 28H on the right to health), Law No. 17 of 2023 on Health, regulations governing the National Health Insurance (Jaminan Kesehatan Nasional/JKN), and relevant Constitutional Court decisions related to health rights and health financing. Secondary sources consist of academic literature, policy analyses, and philosophical studies that discuss Rawls' theory of justice and its application to public policy. The selection of

¹⁷ Muhammad Chairul Huda and M H S HI, *Metode Penelitian Hukum (Pendekatan Yuridis Sosiologis)* (The Mahfud Ridwan Institute, 2021).

sources was based on their relevance to three domains: (i) explicit legal guarantees of the right to health, (ii) structural mechanisms of health financing and service delivery, and (iii) scholarly debates on distributive justice in Indonesian health policy.

To operationalize Rawls' abstract concepts, this study utilizes a structured evaluative grid comprising five key criteria that collectively ensure health policy upholds fundamental freedoms-including the constitutional right to health-provides equal opportunities in accessing health services and health-related professions regardless of social or regional background, prioritizes initiatives that enhance the welfare of the most disadvantaged groups such as marginalized and remote communities, is formulated through public reasoning that is acceptable to diverse societal groups and incorporates participatory mechanisms reflecting pluralistic values, and is designed with administrative feasibility to guarantee that the pursuit of justice is not merely normative but can be sustainably implemented in practice.

Data collection was conducted through an extensive literature study of the identified corpus, while qualitative analysis was carried out by systematically applying the Rawlsian grid to Indonesia's health policy framework. This critical and holistic hermeneutic approach allows the study to uncover not only correspondences between Rawls' theory and legal practice but also contradictions, gaps, and areas for reform. The findings are expected to contribute to both academic discourse and the development of more equitable health policies in Indonesia.

3. DISCUSSION

3.1. John Rawls' Concept of Justice and Its Relevance in the Health Sector in Indonesia

The health sector in Indonesia is inseparable from the existence of health law. Law Number 17 of 2023 concerning Health states that health law must be formulated in an integrated and mutually supportive manner to ensure achieving an optimal level of public health. The definition of health law is a set of norms that regulate legal aspects in the health sector, including the rights and obligations of the community in obtaining health services. This law generally covers all regulations directly related to health services and their implementation in the community. Its scope includes health institutions, service facilities, medical guidelines, medical personnel practices, and branches of health science such as forensics. Therefore, health law can be defined as a group of rules governing the provision of health services in civil, criminal, and administrative law.¹⁸

When the above understanding is combined with Rawls' postulate, the first step that must be considered is Rawls' first principle. According to Rawls' first principle, every individual has the right to the broadest possible basic freedom, as long as the freedom can be accepted fairly by all parties. In the realm of health services, this principle emphasizes that everyone must have equal access to decent health services without any different treatment based on social background, economic conditions, or other factors.¹⁹

¹⁸ S H Noviriska, M Hum Dr Dwi Atmoko, and M H SH, *Hukum Kesehatan* (CV Literasi Nusantara Abadi, 2022).

¹⁹ Hajar Imtihani and Muhammad Nasser, "Keadilan Dalam Reformasi BPJS: Teori Rawls Dan Kajian Kritis Terhadap

Furthermore, it is also necessary to pay attention to the principle of fairness and public sanity presented by John Rawls, which offers an important framework for understanding and realizing justice in the field of health. Rawls illustrates fairness as the ability to offer policies or ideas that can be accepted and supported by all members of society without discrimination or discriminatory treatment.²⁰ This means that health policies and services must be accepted and supported by all levels of society, from the most fortunate to the least fortunate, without exception or difference in treatment. Rawls's principle of justice in health will ensure that everyone, regardless of social, economic, or geographic status, has equal access to high-quality health services.

The above fact is also closely related to the function of health service institutions such as hospitals. Based on Health Law Number 17 of 2023 concerning Health, specifically Chapter VI Part Three concerning Hospitals, Article 184 states that hospitals have the function of individual health services in the form of specialists and/or subspecialists, and can also provide basic health services as well as educational and research tasks in the health sector. From these provisions, every hospital is responsible for providing optimal health services to all patients in need.²¹

Meanwhile, on the concept of public sanity (reasonableness), which Rawls introduced as an important capacity that allows plural and diverse societies to live together in harmony despite their differences.²² In the health sector, this means that every health policy and program must consider and accommodate the needs of all groups in society, including vulnerable and marginalized groups such as the poor and the disabled. Only in this way can a health system be built that is equitable and fair for all citizens.

The principle of equal liberty (equal liberty) in Rawls' theory emphasizes that everyone should have equal rights to receive medical care.²³ In the Indonesian health system, this indicates that everyone should have equal and fair access to high-quality health services, regardless of their social, economic, or geographic status. This includes the freedom for each individual to choose the type of health care that suits their needs and the freedom to be involved and have a say in the health policy-making process that will affect their lives. By implementing this principle of equal freedom in the health sector, the Indonesian health system will be able to provide fair and inclusive services to all its citizens.

The principle of difference (difference principle) proposed by Rawls argues that the arrangement of social and economic inequalities should be done to provide the most significant benefits to the least fortunate in society.²⁴ In the health system, top priority should

Kebijakan Kelas Rawat Inap Standar," *Syntax Idea* 6, no. 9 (2024): 3832–42.

²⁰ Saputro and Fathiyah, "Universal Health Coverage: Internalisasi Norma Di Indonesia."

²¹ Dewi Novitasari Suhaid et al., *Etika Profesi Dan Hukum Kesehatan* (Pradina Pustaka, 2022).

²² Sunaryo Sunaryo, "Konsep Fairness John Rawls, Kritik Dan Relevansinya," *Jurnal Konstitusi* 19, no. 1 (2022): 1–22.

²³ Yolanda Felicia Arianto et al., "Konsep Keadilan Restoratif Dalam Perspektif Teori Keadilan John Rawls," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 01 (2025).

²⁴ Heri Sulaiman et al., "John Rawls' Theory of Justice and Its Relevance in the Formulation of Community Property Division Policy in the Contemporary Era: Teori Keadilan John Rawls Dan Relevansinya Dalam Formulasi Kebijakan Pembagian Harta Bersama Di Era Kontemporer," *Al Hairy/ Journal of Islamic Law* 1, no. 1 (2025): 25–36.

be given to health policy and resource allocation to improve services and access for the most needy groups in society, such as people experiencing poverty, people with disabilities, and people living in remote areas. Concrete steps that can be taken include building and improving health infrastructure in disadvantaged areas, training health workers to serve vulnerable groups, and developing more affordable and comprehensive health insurance schemes for them.

Rawls introduces the idea of the original position to show how the concept of fairness can be generated. In the original position, Rawls imagines policy makers to be in a situation of ignorance (veil of ignorance) about their social position in society.²⁵ Thus, they will make policies based on the principle of justice, without favoring the interests of certain groups. This means that health policies must be designed as if policymakers do not know their position in society, to produce policies that are fair and acceptable to all levels of society, without discrimination.

The concept of the 'curtain of ignorance' (veil of ignorance) introduced by John Rawls implies that when making policies, policymakers should ignore their knowledge of their social and economic position in society. Health policies should be designed without considering the interests or advantages of certain groups. Still, they should be directed towards the good and interests of all parties in society fairly and evenly, without discrimination, for the common good.²⁶

Rawls emphasized achieving a just consensus in Indonesia's pluralistic and diverse society. This means that health policies must be acceptable and supported by various community groups, without exception, in the health system. These health policies must reflect the values of justice mutually agreed upon by all components of society to ensure that every citizen has fair and high-quality access to health services. Formulating and implementing participatory, transparent health policies involving all stakeholders is key to ensuring that the interests and aspirations of all community groups, especially the vulnerable and marginalized, can be appropriately accommodated.

The implementation of Rawls' theory of justice from the perspective of the health system in Indonesia faces challenges in terms of adaptation and adjustment to local conditions and needs. The principles of justice developed by Rawls in the framework of Western thought need to be aligned and adjusted to the values, norms, and socio-cultural characteristics of the diverse Indonesian society. This adjustment is essential so that the application of Rawls' principles of justice can be more effective and contribute to developing an equitable and just health system for all citizens.

Despite the challenges of adapting to local conditions and needs in Indonesia, the relevance of Rawls' theory of justice remains significant as an essential guide in building a just

²⁵ Angga Christian, Ainun Nabilah, and Sulthoni Ajie, "Teori Keadilan Menurut Jhon Rawls," *Quantum Juris: Jurnal Hukum Modern* 7, no. 1 (2025).

²⁶ Andra Triyudiana and Putri Neneng, "Penerapan Prinsip Keadilan Sebagai Fairness Menurut John Rawls Di Indonesia Sebagai Perwujudan Dari Pancasila," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2, no. 01 (2024).

health system in this country. The principles of justice put forward by Rawls, such as equal freedom, differences that benefit vulnerable groups, and just consensus, can be a valuable reference in formulating health policies that ensure disadvantaged groups in society, such as people with low incomes and people with disabilities, who need special attention and treatment.

Applying Rawls' principles in Indonesian health policy can encourage innovation in providing fairer and more equitable health services for the entire community. The focus on equal access can promote the development of creative solutions, such as telemedicine, to reach remote areas and improve accessibility for underserved groups, such as those living in rural areas or from low socio-economic backgrounds. With innovative health technology, access to quality health services will likely increase. This aligns with Rawls' principle of justice, which emphasizes providing the most significant benefits to the least advantaged groups in society.

In the pluralistic and diverse Indonesian society, Rawls's principle of justice (fairness) is very relevant to building an inclusive health system that is acceptable to all levels of society. Constitutional agreements on the right to health must reflect principles of justice that are acceptable and supported by all parties, without exception. This is important to ensure that everyone has equal and high-quality access to health services, in accordance with the spirit of justice and equality that is at the heart of Rawls' thinking.

From the perspective of Rawls' two principles and their lexical priority, Indonesian health policies must first guarantee basic liberties, such as the constitutional right to health, before addressing other dimensions of efficiency or economic considerations.²⁷ Only after these liberties are secured should the state ensure fair equality of opportunity in accessing healthcare, with policies designed in an order that prioritizes rights above mere utility. This sequencing is crucial to prevent the sacrifice of citizens' fundamental rights in the pursuit of short-term policy goals.²⁸

Equally important is the operationalization of fair equality of opportunity and the difference principle. FEO requires that health services and professional opportunities be equally available regardless of region or socio-economic status, which directly addresses the maldistribution of facilities and health workers in Indonesia.²⁹ The difference principle further obligates the state to direct policies toward those least advantaged, ensuring that budget reallocations, health worker incentives, and technological innovations like telemedicine primarily serve marginalized and remote populations. Finally, these reforms must be justified through public reason and foster an overlapping consensus, so that health policies are grounded in values that can be accepted across Indonesia's diverse social, cultural, and religious contexts, making them both legitimate and sustainable.³⁰

Implementing the principles of justice proposed by John Rawls in the health system in

²⁷ Suhaid et al., *Etika Profesi Dan Hukum Kesehatan*.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

Indonesia requires comprehensive reform. This includes improving health infrastructure in all regions, especially in remote and underdeveloped areas, to ensure more equitable access to health facilities and services. In addition, efforts are needed to distribute health workers more fairly and proportionally, so that people throughout Indonesia can receive quality health services without discrimination. Reform of the health financing system is also essential to create a more equitable financing scheme to reach vulnerable and underprivileged groups. Through this comprehensive reform, the principles of justice proposed by Rawls can be effectively implemented in Indonesia's health system.

The government, health workers, and society need various stakeholders' strong and collaborative commitment to implement Rawls' theory successfully in the health system. To realize justice in access to health services, joint efforts are needed from all components of society to ensure the provision and distribution of health resources that are fair and equitable throughout Indonesia.

Ultimately, Rawls' theory of justice provides an essential basis for assessing and transforming Indonesia's health system to be more equitable and just for all. Indonesia can move towards a more inclusive and equitable health system by implementing principles of justice, such as equal freedom, differences that benefit vulnerable groups, and just consensus. This effort will encourage fair and equal access to high-quality health services for all citizens. Therefore, Indonesia can build a health system responsive to the needs of all levels of society, which aligns with the national development goals for social justice.

3.2. Implementation of Health Policy in Indonesia

Analysis of existing health policies in Indonesia shows that various regulations have been established to ensure the entire community's fulfillment of the right to health. The 1945 Constitution stipulates that every citizen has the right to health services and that the state is responsible for providing adequate health facilities. The right of citizens to obtain acceptable health services is clearly and firmly recognized in the Indonesian constitution, the 1945 Constitution, which also requires the government to provide health facilities that are accessible to the entire community. This shows that the state has a legal basis and is committed to guaranteeing the right to health for every Indonesian citizen.

However, it should also be understood that the right to health is conceptually different from the right to be healthy. Many people mistakenly believe that the state must ensure that every citizen is healthy so that the state can require healthy living behavior. A person's level of health is influenced by various factors that cannot be fully controlled by the state, such as the individual's biological condition and socio-economic aspects.

The implementation of health policies in Indonesia has undergone significant developments with various laws, including Law No. 17 of 2023 concerning Health. The law, which was drafted using the omnibus law method that combines almost all laws related to health in one law, provides a comprehensive legal framework for the implementation of health services in Indonesia, regulating essential aspects such as the right to health, state obligations in delivering health services, and hospital standards and accreditation. With this strong legal

basis, the implementation of health policies in Indonesia will be more organized and focused.

The National Health Insurance Program (JKN), which is managed by the Social Security Administering Agency (BPJS)Health, is part of the health policy that aims to ensure everyone in Indonesia has health insurance. Although its implementation still faces various challenges, such as issues of sustainability and efficiency of the financing system, this program shows the government's extraordinary efforts to ensure wider access to health.

Evaluation based on Rawls' principle of justice shows that the implementation of health policies in Indonesia has not fully met the principle of fair justice. There are still disparities in access and quality of health services between urban and rural areas and between economically well-off and economically disadvantaged groups. Good health services are often unavailable to people in remote areas and economically disadvantaged groups. At the same time, according to the difference principle put forward by Rawls, they should be the main priority in gaining the most significant benefits.

The health financing system in Indonesia still faces serious challenges related to sustainability and efficiency issues. BPJS Kesehatan's ongoing deficit shows the need for comprehensive reform to ensure the sustainability of the national health insurance program in the long term. This requires efforts to review the health financing scheme and mechanism and find solutions to overcome the financial problems faced by BPJS Kesehatan. Sustainable and efficient reform of the financing system will be the key to achieving universal health coverage for all Indonesians.

Health workers and health facility infrastructure throughout Indonesia are not evenly distributed. Adequate medical personnel and health facilities are still lacking in remote and underdeveloped areas, which is contrary to the principle of justice in access to health services. This reflects the uneven development of health infrastructure and resources in various regions, so people in remote and underdeveloped areas do not have fair and equal access to quality health services. The government needs to make special interventions to prioritize equal distribution and increase the availability of medical personnel and health facilities in underdeveloped areas to fulfill the principle of justice in access to health services for all levels of society in Indonesia.

In addition, implementing health policies requires coordination and synchronization between the central and regional governments. Decentralization of the health system sometimes creates overlapping policies and programs, and is less effective in its implementation. Lack of coordination between the central and regional governments can lead to inconsistent policies and regulations, which reduces the effectiveness of implementation in the field. Efforts are needed to improve collaboration and better communication among all stakeholders, both at the central and regional levels, so that the implementation of health policies can run in a more structured and integrated manner.

Inequality in access to and quality of health services remains a serious problem in implementing health policies in Indonesia. Communities in remote areas and economically disadvantaged groups often face significant difficulties accessing quality health services. This

shows that the distribution and availability of health resources are uneven across regions and that underprivileged groups face economic challenges in obtaining adequate health services. The main challenge in implementing health policies in Indonesia is prioritizing access and quality of health services for all levels of society, especially in disadvantaged areas and economically vulnerable groups.

The quality of health services still varies between health facilities in urban and rural areas and between the well-off and underprivileged economic groups. Standardization of health services has not been fully achieved evenly, resulting in significant differences in the quality of services received by the community, especially for remote groups and low-income economic groups.

The health information system that is not yet well integrated causes difficulties in monitoring and evaluating the overall implementation of health policies in Indonesia. This can impact the effectiveness of the decision-making process related to health policies and efforts to improve and refine policies in the future. Without an integrated health information system, the collection and analysis of policy implementation performance data is hampered, thus hampering the evaluation process and formulating the steps needed to improve the quality and effectiveness of health policies in Indonesia.

Challenges in implementation also include cultural and social aspects of society. Culture and social norms that apply in society often influence their behavior and attitudes towards health services. Public awareness of the importance of maintaining health and understanding of health rights still needs to be significantly improved. Increasing this awareness and knowledge will greatly support the effectiveness of health policy implementation in Indonesia.

Despite facing various challenges, the implementation of health policies in Indonesia continues to improve through various innovative programs. Some examples of innovative programs that have been developed are telemedicine to improve access to health services in remote areas, strengthening referral systems to ensure more effective service coordination, and increasing the capacity of health workers through training and education. This creative strategy is expected to improve the equality of health services throughout Indonesia.

3.3. Challenges and Opportunities in Applying John Rawls' Theory of Justice

Rawls' theory of justice is applied to the Indonesian health system, which faces significant structural and cultural obstacles. However, these challenges must be overcome so that the principles of justice can be realized in providing equitable and quality health services for the entire community. Given Indonesia's commitment to realizing equitable social welfare for all people, efforts must be made to overcome these obstacles.

One of the main obstacles is the disparity in health infrastructure and resources between urban and rural areas. The uneven distribution of health facilities and medical personnel reflects the failure to fulfill Rawls' principle of justice, emphasizing the need to provide the most significant benefits to the least fortunate groups. This causes people in rural and remote areas to struggle to access quality health services. The government needs to make special efforts to prioritize and improve the allocation of health resources in marginalized regions and

strengthen the infrastructure and distribution of health workers to provide the most significant benefits to the most disadvantaged groups in society, by Rawls' principle of justice.

Cultural challenges also arise from differences in community understanding and awareness of their health rights. Many community groups, especially in remote and underdeveloped areas, do not fully understand the health rights that they should receive. Low levels of education and limited information in these areas lead to a lack of community knowledge about the health services they are entitled to. Ultimately, this results in low community participation and a desire for more equitable and quality health services.

However, behind these challenges is an excellent opportunity to improve Indonesia's health system through applying Rawls' principles of justice. Policy innovation and reform are needed for a more equitable and inclusive health system. By applying Rawls's thinking on justice, Indonesia can develop health policies that provide the most significant benefits to the most disadvantaged groups in society. This can be achieved through equitable distribution of health resources, increasing access to services in remote areas, and developing more progressive and equitable financing mechanisms. In addition, increasing community participation in the assessment and decision-making of health policies will also ensure that the interests of all levels of society are represented. Thus, applying Rawls' principles of justice can be the foundation for developing a more equitable and sustainable health system in Indonesia.

Applying Rawls' principles in Indonesian health policy can encourage innovation in providing fairer and more equitable health services for the entire community. The focus on equal access can promote the development of creative solutions, such as telemedicine, to reach remote areas and improve accessibility for underserved groups, such as those living in rural areas or from low socio-economic backgrounds. With innovative health technology, access to quality health services will likely increase. This aligns with Rawls' principle of justice, which emphasizes providing the most significant benefits to the least advantaged groups in society. In the pluralistic and diverse Indonesian society, Rawls's principle of justice (fairness) is very relevant to building an inclusive health system that is acceptable to all levels of society. Constitutional agreements on the right to health must reflect principles of justice that are acceptable and supported by all parties, without exception. This is important to ensure that everyone has equal and high-quality access to health services, in accordance with the spirit of justice and equality that is at the heart of Rawls' thinking.³¹

Meanwhile, with the advancement of information and communication technology, there is an opportunity to overcome limited access through the development of telemedicine and integrated health information systems. This innovation can help reach people in remote areas who have had difficulty accessing health services. Through telemedicine, people in remote areas can get medical consultations and diagnoses from health workers without going to distant health facilities. Meanwhile, an integrated health information system can help connect various facilities and improve coordination in service delivery to expand the reach and improve the quality of health services throughout Indonesia.

³¹ Ibid.

Another opportunity lies in the increasing awareness and commitment of the government to realize universal health coverage through the National Health Insurance (JKN) program. This program aligns with Rawls' principle of providing equal health protection for all citizens, regardless of socioeconomic status. The health insurance program organized by the government, known as JKN, aims to provide broad and equal access for all citizens to obtain high-quality health services. Implementing the JKN program reflects the government's efforts to realize Rawls' principle of justice in the health system in Indonesia, namely by providing the most significant benefits to the most disadvantaged or economically vulnerable groups in society.

Health policy innovations can also be developed by adopting Rawls' principle of justice. For example, health workers working in remote areas may be more interested in working in hard-to-reach areas if they are given better benefits and facilities. Developing a more effective referral system can also help improve access to more comprehensive health services for people in remote areas. In addition, increasing the health budget explicitly allocated for disadvantaged areas can be used to build adequate health infrastructure, such as community health centers and hospitals. These policies can help reduce the gap in access to health services throughout Indonesia.

However, policy formulation must also be based on ethics. Ethics serve as a moral basis and play an essential role in guiding the public decision-making process.³² Integrating ethics in policy formulation becomes essential along with social dynamics and increasing public expectations. This aims to ensure that every decision is practically effective and in line with moral values that uphold justice, humanity, and shared interests. Because, these moral and ethical values are also one of the foundations for realizing justice as stated by Rawls himself.

Policy formulation must also be guided by ethics, serving as a moral foundation in public decision-making. Integrating ethical considerations helps ensure that every decision is not only effective but also aligned with values of justice, humanity, and the common good. In Rawlsian terms, this requires public reason: policies should be justifiable to all citizens through overlapping consensus. Practical indicators could include the integrity of policy implementation and public trust surveys measuring fairness in access to services. Community participation in planning, implementing, and evaluating health policies is also crucial. This embodies Rawls' first principle of equal political liberty, ensuring that all citizens can influence decisions affecting common interests. To track progress, indicators might include the proportion of community health councils actively involved in policymaking and the percentage of health programs incorporating participatory evaluations. Collaboration between government, the private sector, and civil society can optimize resources for equitable service provision.³³

Strategic partnerships should be assessed through the number of public-private

³² Darmawan Choirulsyah and Azhar Azhar, "Implementasi Etika Administrasi Publik: Langkah Utama Dalam Menciptakan Good Governance Di Indonesia," *Jurnal Pemerintahan Dan Politik* 9, no. 3 (2024): 195–203.

³³ Suhaid et al., *Etika Profesi Dan Hukum Kesehatan*.

partnerships established, the volume of co-financing mobilized, and their impact on expanding access for disadvantaged groups.³⁴ Such collaboration reflects Rawls' principle of fairness in social cooperation, whereby mutual contributions advance justice for all. Reforming a more equitable health financing system is another priority. Progressive financing where wealthier groups contribute more to subsidize the poor reflects Rawls' distributive justice. Indicators here include the redistributive effect of health financing (measured by progressivity indexes) and the share of government subsidies reaching the lowest-income quintiles. This ensures that inequality serves only to improve the position of the least advantaged.³⁵

Finally, capacity-building for health workers and system-wide monitoring must be pursued systematically. Regular training, improved incentives, and equitable deployment contribute to fair opportunity (FEO), ensuring that all citizens, regardless of location, can access skilled professionals. Monitoring mechanisms should include periodic evaluations of service quality, health outcomes disaggregated by region and socioeconomic status, and compliance with set standards.

In addition, increasing community participation in the planning, implementing, and evaluating of health policies can help strengthen the health system. This aligns with Rawls' principle of involving all parties, including the community, in decision-making that affects the common interest. By actively involving the community, health policies will be more responsive to the needs and problems faced by various community groups, so they can have a wider impact and provide greater benefits for disadvantaged community groups.

Collaboration between the government, the private sector, and civil society enables optimizing resources to improve the quality and access to health services. This strategic partnership can help overcome government budget and resource constraints. By forming effective partnerships, various parties can combine resources, expertise, and innovation to design comprehensive solutions to improve the provision of more equitable and quality health services, especially for disadvantaged groups.

Reforming a more equitable health financing system is also a significant opportunity. Implementing a progressive financing system, where the well-off group contributes more to help the less fortunate, reflects Rawls' principle of distributive justice. By implementing a more equitable financing system, where those with greater ability to pay for health insurance will contribute more, the collected resources can be used to finance health services for less fortunate groups. This aligns with Rawls' idea of the difference principle, where socioeconomic inequality is acceptable if it provides the most significant benefit to the least fortunate group.

Increasing the capacity of health workers through comprehensive and sustainable continuing education and training programs can help improve the quality of health services and achieve better and more equitable health outcomes. A more equitable, quality, and sustainable health system throughout Indonesia can be achieved through continued

³⁴ Ibid.

³⁵ Ibid.

investment in the development of health human resources, which includes improving the competence, incentives, and facilities for health workers.

System strengthening, monitoring, and comprehensive evaluation of health policies can ensure that the implementation of health programs truly benefits the groups of society that need them most, per Rawls' principle of justice. Monitoring and practical evaluation will enable governments to identify and address gaps in access to and quality of health services, and ensure that resources are allocated appropriately to serve the most vulnerable and disadvantaged groups in society.

Despite the significant challenges, applying Rawls' theory of justice in the Indonesian health system is an inevitability that cannot be avoided. This aligns with Indonesia's commitment to achieving equitable social welfare for all. To ensure that every citizen, regardless of socio-economic or geographic background, has fair and equal access to quality health services, it is essential to apply Rawls' principles of justice in the national health system.

The government and all stakeholders must formulate a comprehensive strategy to overcome the structural and cultural barriers preventing fair and equitable health services for all Indonesians. This strategy must include concrete steps, such as increasing the allocation of the health budget, developing infrastructure, distributing health facilities more evenly, strengthening the referral system, and improving the capacity and equitable distribution of health workers, especially in remote and underdeveloped areas. In addition, efforts are needed to empower communities through health education and increase their involvement in planning, implementing, monitoring, and evaluating health policies. Only with a holistic approach involving the government, private sector, and community can Indonesia realize a health system that is truly equitable and accessible to all levels of society.

This effort requires strong political will, adequate resource allocation, and community participation in decision-making and health policy assessment. This is an essential prerequisite for successfully implementing John Rawls' principles of justice in the health system in Indonesia. The government must prioritize equitable and inclusive health sector development, supported by an adequate budget. On the other hand, active community participation in the planning, implementation, and monitoring of health policies will ensure that the interests and needs of all levels of society are represented.

By adopting Rawls' principles of justice in the health system, Indonesia can achieve the goal of guaranteeing the right to health for all citizens, regardless of social, economic, or geographical background. This is an essential foundation for sustainable and inclusive national development.

4. CONCLUSION

Applying Rawls' theory of justice as fairness to Indonesia's health policy framework demonstrates that while progress has been made through programs such as the National Health Insurance (JKN), substantial disparities in access and quality of services remain. The analysis reveals that existing policies have not fully realized Rawls' principles of equal basic liberties, fair equality of opportunity, and the difference principle, particularly in ensuring

benefits for the least advantaged. Unequal distribution of health facilities and workers, limited infrastructure in remote areas, and gaps in policy mechanisms show that Indonesia's health system still requires systematic improvement. To address these issues, this study suggests strengthening budget allocation for underserved regions, ensuring the sustainability of health financing, improving the equity of health worker distribution, expanding telemedicine to bridge geographic barriers, and enhancing community participation in health policymaking. These steps, grounded in Rawls' framework, provide a pathway toward a more just and equitable health system in Indonesia.

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