

Social Justice in a Legal Perspective: An Analysis of Inequality in Access to Public Services

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Abstract: *Social justice in public services is a fundamental element in a state based on the rule of law, which prioritizes public welfare. Although it is normatively guaranteed in the constitution and various laws and regulations, its implementation still faces various obstacles, particularly related to unequal access to public services. This study aims to analyze the manifestation of social justice from a legal perspective and examine the influence of normative ambiguity in public service regulations on unequal access. The research method used is normative legal research with a legislative and conceptual approach, supported by primary, secondary, and tertiary legal materials, and analyzed qualitatively using deductive reasoning. The results show that normative ambiguity in public service regulations creates legal uncertainty, expands the scope for discretion of officials, and increases the potential for abuse of authority. This condition results in the emergence of service discrimination, unequal service quality between regions, and the marginalization of vulnerable groups. Furthermore, a gap is found between the ideal legal norm (das sollen) and the implemented practice (das sein), indicating that the application of the principle of social justice is not yet optimal. Therefore, normative reconstruction is needed through the formulation of clearer, more operational, and measurable regulations, as well as strengthening monitoring and sanction mechanisms to ensure equal access to public services.*

Keywords: *Social Justice, Public Services, Normative Ambiguity, Inequality of Access, Rule of Law.*

INTRODUCTION

Social justice, from the perspective of a state based on the rule of law, is a manifestation of the fundamental goal of the exercise of state power, which emphasizes not only formal legality but also substantive legitimacy. Within the framework of modern welfare state theory, law is no longer positioned solely as an instrument of control, but rather as a means of social engineering (law as a tool of social engineering) to achieve equitable social welfare.¹ Theoretically, this view is in line with Roscoe Pound's thinking, which

¹ Elovin, M. N. E. (2025). HUKUM DAN KESEJAHTERAAN MASYARAKAT. *Journal of Law and Social Change Review*, 2(01), 72-82.



places law as a tool to balance individual interests and public interests.² Thus, social justice is not merely an abstract concept, but rather an operational principle that must be internalized in every public policy. Therefore, an ideal state based on the rule of law requires the integration of legal certainty, utility, and justice as an inseparable whole.

Normatively, social justice obtains constitutional legitimacy in the Indonesian legal system through the values contained in the Preamble to the 1945 Constitution, particularly in the fourth paragraph.³ This norm affirms the state's responsibility to protect all citizens and promote general welfare as a concrete manifestation of social justice. Furthermore, further provisions in various sectoral laws and regulations reinforce the state's obligation to provide equitable and non-discriminatory public services. From a fundamental perspective, this is closely related to the principles of equality before the law and non-discrimination. However, this general norm often faces challenges in implementation due to a lack of clear operational parameters that can serve as guidelines for state administrators.

Within the framework of the theory of justice, the concept of social justice can be analyzed through a distributive approach as put forward by John Rawls, which emphasizes the difference principle and fair equality of opportunity.⁴ This principle dictates that social and economic inequality can only be justified to the extent that it provides the greatest benefit to the least advantaged groups. In the context of public services, this means that the state is obliged to prioritize vulnerable groups in access to education, health care, and administrative services. However, in practice, the distribution of resources often does not reflect this principle, resulting in significant disparities. This situation indicates a deviation between ideal norms and the empirical reality prevailing in society.

Empirically, unequal access to public services in Indonesia remains a complex and ongoing issue. Data shows a significant disparity between urban and rural areas in terms of facility availability and service quality.⁵ For example, access to adequate healthcare remains concentrated in urban areas, while remote areas experience limited medical personnel and infrastructure. A similar phenomenon occurs in the education sector, where the quality of education in disadvantaged areas falls far below national standards. This inequality reflects the state's failure to achieve optimal distributive justice. Furthermore, this inequality is not only geographical but also socio-economic. Lower-income groups tend to experience barriers to accessing quality public services, whether due to cost, information constraints, or complex bureaucracy.

² Martinelli, I., Chandra, C. M., & Maharani, S. A. (2023). Fungsi dan Penerapan Hukum Kontrak Berdasarkan Pandangan Roscoe Pound. *Jurnal Kewarganegaraan*, 7(2), 2089-2095.

³ Maulan, A., Chairunnisa, N., Khubaibah, S., & Slam, Z. (2025). PANCASILA SEBAGAI LANDASAN KONSTITUSIONAL NEGARA INDONESIA. *Jurnal Manajemen dan Inovasi*, 6(4).

⁴ Arianto, Y. F., Agustiani, M. F., Shalzabilla, S., & Mayangsari, D. A. (2025). Konsep Keadilan Restoratif Dalam Perspektif Teori Keadilan John Rawls. *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*, 3(01).

⁵ Sastrani, I. D. A. N. U. (2026). Pengaruh Kebijakan Ekonomi terhadap Akses Layanan Kesehatan di Indonesia: Studi Kasus Kebijakan Fiskal, Moneter, dan Sosial dalam Mengatasi Ketimpangan antara Daerah Perkotaan dan Pedesaan. *AKADEMIK: Jurnal Mahasiswa Humanis*, 6(1), 519-530.

From a critical legal theory perspective, this situation demonstrates an unequal power relationship between the state and society, where marginalized groups often lack adequate bargaining power. As a result, access to public services is unequal and tends to favor certain groups. This contradicts the principle of social justice, which demands fair and proportional distribution.

The causes of unequal access to public services can be examined from various dimensions, both structural and cultural. Structurally, limited state budgets and unequal distribution of resources are the main factors hindering equitable service provision. Furthermore, weak coordination between government agencies exacerbates this situation. Culturally, low public legal awareness and a lack of public participation in service oversight also contribute to inequality.⁶ From the perspective of the principles of good governance, this condition reflects the less than optimal implementation of the principles of accountability, transparency, and participation in the provision of public services.

In positive law, one fundamental issue that emerges is the lack of clarity in the regulation of public services. Many provisions in laws and regulations are general in nature and do not provide clear operational definitions of minimum service standards. This ambiguity leads to multiple interpretations among service providers, resulting in inconsistent implementation in the field. In legal theory, this condition is known as a vague norm, which has the potential to create legal uncertainty. As a result, the public, as service recipients, does not receive clear guarantees regarding their rights. This ambiguity is also evident in the regulation of oversight mechanisms and sanctions for violations of public services. Many regulations do not explicitly stipulate the legal consequences for service providers who are negligent or commit deviations. This contradicts the principle of legal certainty, which requires clear norms and definite legal consequences. In such conditions, officials have broad discretion without clear boundaries, which has the potential for abuse. Thus, the lack of clarity in norms impacts not only administrative aspects but also the protection of public human rights.

The impact of this unclear norm is significant for the realization of social justice. Unclear service standards and oversight mechanisms open up opportunities for maladministration, such as discrimination, extortion, and unprofessional service. From the perspective of state administrative law, this situation demonstrates weak control over governmental action. Furthermore, the public, as the aggrieved party, often lacks effective access to assert their rights. This results in widening inequalities in access to public services.

In the long term, unclear norms and unequal access to public services can erode public trust in the law and state institutions. Public trust is a crucial element of legal legitimacy, so when it declines, the effectiveness of the law will also be affected.⁷ In legitimacy theory, the law will only be effective if it is supported by

⁶ Dewi, L. K. D. K., Amallia, N., Kusumastuti, H., & Sasora, F. (2025). Partisipasi masyarakat dalam meningkatkan pelayanan publik di pekon sidorejo kabupaten tanggamus. *Jurnal Semarak Mengabdi*, 4(2), 93-98.

⁷ Hijriani, A. N., & Sambas, N. (2026). INTEGRITAS APARAT PENEGAK HUKUM DAN KEPERCAYAAN PUBLIK: ANALISIS SOSIOLOGI HUKUM DI INDONESIA. *JOSH: Journal of Sharia*, 5(01), 120-132.

public trust in the justice and integrity of the legal system. Therefore, injustice in public services impacts not only individuals but also overall social and political stability. This situation demonstrates the urgency of legal reform oriented toward substantive justice.

To address these issues, a comprehensive and in-depth legal analysis of the regulations governing public services is required. This analysis should include an evaluation of the clarity of norms, consistency between regulations, and the effectiveness of implementation in the field. A normative approach requires legal reconstruction efforts to clarify service standards, oversight mechanisms, and implement firm sanctions. Furthermore, an empirical approach is needed to understand the real conditions faced by the community. Thus, the resulting solutions are not only theoretical but also applicable. Furthermore, legal reconstruction must be based on the principles of social justice, legal certainty, and utility. In this regard, an integrative approach between legal theory and public policy practice is crucial. The state must be able to formulate policies that not only meet legal requirements but also address the real needs of the community.⁸ Furthermore, public participation in the policy formulation and oversight process must be strengthened. This aligns with the principle of participatory democracy, which places the public as the primary subject in legal development.

Based on the overall description, the main problem that emerges is the suboptimal realization of social justice in access to public services due to structural and systemic inequalities. The ambiguity of norms in public service regulations exacerbates this situation by creating legal uncertainty and opening up room for irregularities. Therefore, it is crucial to examine in depth how the ideal legal structure ensures social justice, as well as the role of the state in ensuring the fair and equitable distribution of public services. This issue is not merely academic but also has broad practical implications for legal development and public welfare.

METHODOLOGY

The research method used in this article is normative legal research with a statute approach and a conceptual approach. Normative legal research focuses on the study of applicable legal norms, both those contained in laws and legal doctrine, in order to examine the extent to which regulations regarding public services are able to realize social justice. According to Soerjono Soekanto, normative legal research is research conducted by examining library materials or secondary data as the main source, which includes primary, secondary, and tertiary legal materials. In line with that, Peter Mahmud Marzuki emphasized that normative legal research aims to discover legal rules, legal principles, and legal doctrines to address the legal issues

⁸ Maharani, K. (2025). Studi Hukum Publik mengenai Tanggung Jawab Negara dalam Mewujudkan Kesejahteraan Masyarakat melalui Hukum Publik: Analisis Kritis terhadap Implementasi Kebijakan Sosial di Indonesia. *Jurnal Fakta Hukum*, 4(1), 29-36.

faced.⁹ In this study, the main focus is directed at identifying the ambiguity of norms in public service arrangements and its implications for social justice.

The approach used in this research includes an analysis of legal principles, theories of justice, and the concept of the rule of law in relation to access to public services. Furthermore, this research employs an analytical approach to critically examine the alignment between applicable legal norms and the empirical realities occurring in society. The legal materials used consist of primary legal materials in the form of laws and regulations related to public services, secondary legal materials in the form of literature, scientific journals, and expert opinions, and tertiary legal materials as supporting materials.¹⁰ The legal material collection technique was conducted through literature study, while the legal material analysis was conducted qualitatively using deductive reasoning. Thus, this research method is expected to provide systematic, logical, and comprehensive legal arguments in addressing issues related to social justice and unequal access to public services.

RESULTS AND DISCUSSION

Normative Analysis of Public Service Regulations in Ensuring Social Justice in Indonesia

The constitutional basis for social justice in public services in Indonesia is firmly rooted in the Preamble to the 1945 Constitution, particularly paragraph IV, which explicitly states the state's goal of protecting all Indonesians and advancing the general welfare. This formulation is not merely declarative, but also contains a philosophical value that places social justice as the primary orientation of all state policies. From a legal theory perspective, the Preamble to the 1945 Constitution holds the position of *staatsfundamentaln*orm, the source of all sources of law, so that every public service policy must comply with and reflect the values of social justice embodied therein.¹¹ Thus, social justice is not only a legal ideal (*rechtsidee*) but also a normative parameter for assessing the success of public service delivery. The state's failure to achieve substantive equality of access to public services can be viewed as a deviation from the constitutional mandate. Therefore, the Preamble to the 1945 Constitution must be understood as the ethical and normative basis for formulating equitable public service policies.

Further elaboration on social justice in public services can be found in various articles of the 1945 Constitution, including Article 27 paragraph (2), Article 28H, and Article 34. Article 27 paragraph (2) affirms the right of every citizen to work and a decent living, which implicitly requires the state to provide public services that support the fulfillment of these rights. Article 28H expands the scope by providing guarantees for welfare, health, and a good living environment, all of which are closely related to the quality

⁹ Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114-128. <https://doi.org/10.32801/nolaj.v4i3.116>

¹⁰ Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, 2(2), 114-123.

¹¹ Firmanto, T., Apriyanto, A., & Fajrina, R. M. (2024). *Buku Referensi Dasar-Dasar Hukum: Teori Dan Konsep*. PT. Sonpedia Publishing Indonesia.

of public services. Meanwhile, Article 34 emphasizes the state's responsibility to care for the poor and neglected children, which indicates the state's affirmative obligation (positive obligation) to provide special protection to vulnerable groups. Normatively, these provisions create a comprehensive legal framework to guarantee equitable access to public services. However, the existence of these norms does not fully guarantee the realization of social justice if not followed by consistent and measurable implementation.

Social justice, as a constitutional obligation, carries the legal consequence that the state has no choice but to fulfill the basic rights of the people through the provision of adequate public services. From a constitutional law perspective, this obligation is imperative and cannot be overridden simply by reason of limited resources. This principle aligns with the doctrine of positive obligations of the state, which requires the state to actively protect the rights of its citizens.¹² Therefore, the failure to provide equitable public services can be classified as a violation of citizens' constitutional rights. In this context, the role of the judiciary becomes crucial as the guardian of the constitution, ensuring that the state fulfills its obligations optimally. Therefore, social justice in public services is not only a policy issue but also a constitutional issue with serious legal implications.

The construction of a welfare state in public services positions the state as the primary actor in ensuring the fulfillment of basic community needs. In this paradigm, the state no longer acts as a "night watchman" (*nachtwakerstaat*), but rather as an active organizer responsible for the distribution of welfare. The state's role as a provider requires the direct provision of public services, while its role as a regulator requires the establishment of a legal framework governing service standards and mechanisms. In Indonesia, the welfare state concept is reflected in various social policies aimed at reducing inequality and improving public welfare.¹³ However, the implementation of this concept often faces structural and administrative obstacles that hinder the effectiveness of public services. Therefore, strengthening institutional capacity is necessary to enable the state to optimally fulfill its role. The integration of the principles of justice, utility, and legal certainty in public services is a key prerequisite for realizing social justice. These three principles must be understood as an inseparable whole, as stated in Gustav Radbruch's theory of the purpose of law. Justice demands the fair distribution of services, utility requires effective and efficient services, while legal certainty ensures clear standards and procedures. In practice, conflicts often arise between these three principles, for example, between budget efficiency and equitable service distribution. This situation demonstrates that the provision of public services requires a careful balance between various interests. Without harmonious integration, public services have the potential to lose their orientation towards social justice.

An analysis of welfare state theory in the Indonesian context reveals distinct characteristics influenced by the values of Pancasila, the foundation of the state. Unlike the welfare state model in Western countries, which tends toward liberalism or social democracy, Indonesia has developed an approach that emphasizes

¹² Jannah, R., & Lubis, R. H. (2025). Hak dan Kewajiban Warga Negara. *Journal of Literature Review*, 1(1), 180-186.

¹³ Eriranda, A. O., & Kusdarini, E. (2024). Makna Welfare State Ditinjau dari Implementasi Pasal 34 Ayat (1) Undang-Undang Dasar 1945. *Jurnal Hukum Ius Quia Iustum*, 31(3), 560-584.

a balance between the role of the state and public participation.¹⁴ In this regard, the state retains a central role, but does not preclude the involvement of the private sector and civil society in the provision of public services. Nevertheless, state dominance remains necessary to ensure that the principle of social justice is not diminished by market interests. Therefore, Indonesia's welfare state model must be able to guarantee that every public service policy remains oriented toward the interests of the wider community, especially the most vulnerable groups. Thus, social justice remains the primary goal of every public service policy.

The regulation of public services in statutory regulations is a concrete form of implementing the constitutional mandate in the service sector.¹⁵ The Law on Public Services is the primary instrument governing the rights and obligations of both service providers and the public as recipients. Furthermore, various sectoral regulations strengthen the legal framework in health, education, and population administration. Normatively, these regulations encompass basic principles of public service, such as transparency, accountability, and participation. However, problems arise when the regulated norms lack adequate operational clarity, complicating implementation in the field. This demonstrates that the mere existence of regulations is insufficient without accompanying clarity in the substance of the norms.

Minimum service standards, as a normative instrument, play a crucial role in ensuring the quality and equity of public services. These standards should serve as a clear benchmark for service providers in providing services to the public. However, in practice, these standards are often general in nature and lack measurable indicators, making them difficult to evaluate. The lack of clear parameters opens up room for diverse interpretations and potentially leads to inequities in service delivery. Furthermore, weak oversight of the implementation of minimum service standards further exacerbates this situation. Therefore, a more specific and operational reformulation of these standards is needed to effectively ensure social justice.

The obligations of public service providers according to positive law basically reflect the state's responsibility in fulfilling the rights of the people.¹⁶ These obligations include the provision of quality, non-discriminatory services in accordance with established standards. From the perspective of state administrative law, these obligations are part of the general principles of good governance (AUPB), which bind all government actions. However, in practice, violations of these obligations are still frequently found, including slow, discriminatory, and non-transparent service delivery. This situation indicates a gap between legal norms and their implementation, which should be in harmony. Therefore, strengthening oversight and law enforcement mechanisms is key to ensuring that public service providers' obligations are truly carried out in accordance with the principles of social justice.

¹⁴ Hakim, M. L. (2024). *Kebijakan Sosial: Teori dan Praktik*. Universitas Brawijaya Press.

¹⁵ Sari, A. A., & Rusmini, A. (2025). ANALISIS KEBIJAKAN PUBLIK DAN REGULASI PEMERINTAHAN DALAM PERSPEKTIF HUKUM ADMINISTRASI NEGARA: IMPLIKASI TERHADAP OTONOMI DAERAH PASCA UNDANG-UNDANG NOMOR 6 TAHUN 2023 TENTANG CIPTA KERJA. *Jurnal Manajemen, Akuntansi dan Pendidikan*, 305-313.

¹⁶ Maharani, K. (2025). Studi Hukum Publik mengenai Tanggung Jawab Negara dalam Mewujudkan Kesejahteraan Masyarakat melalui Hukum Publik: Analisis Kritis terhadap Implementasi Kebijakan Sosial di Indonesia. *Jurnal Fakta Hukum*, 4(1), 29-36.

The principle of equality before the law is a fundamental principle in a state of law which requires that every citizen be treated equally before the law without any special or discriminatory treatment.¹⁷ In the provision of public services, this principle requires that every individual have equal access to services provided by the state, regardless of social, economic, or geographic background. Normatively, this principle is rooted in the universal principle of human rights, which places equality as a key element in the protection of rights. However, the application of the principle of equality cannot be interpreted merely formally, but must be understood substantively, taking into account the actual conditions of society. In this case, equal treatment does not necessarily mean identical treatment, but rather proportional treatment according to the needs of each individual. Therefore, the state is required to develop affirmative policies to ensure that vulnerable groups are not left behind in accessing public services.

The principle of non-discrimination is closely related to the principle of equality, but has a more specific emphasis on prohibiting differential treatment that is not objectively and rationally based. In the provision of public services, this principle requires the state to avoid all forms of discrimination based on race, religion, gender, social status, or other irrelevant factors. Normatively, the principle of non-discrimination has been recognized in various national and international legal instruments, thus having strong binding force. However, in practice, discrimination often occurs covertly through policies that appear neutral but have a disproportionate impact on certain groups. This situation indicates a gap between legal norms and the social realities faced by society. Thus, the application of the principle of non-discrimination requires an approach that is sensitive to the social context and does not rely solely on normative formulations.

The principle of legal certainty in public services demands clarity, consistency, and predictability in every action of service providers. Legal certainty provides assurance to the public that their rights will be protected and fulfilled in accordance with applicable regulations.¹⁸ From the perspective of legal theory, legal certainty is one of the main objectives of law which must be realized concretely in practice.¹⁹ However, in the context of public services, legal certainty is often diminished by vague, overlapping, or inconsistent norms. This situation makes it difficult for the public to understand their rights and obligations and opens up room for abuse of authority by officials. Therefore, strengthening legal certainty is a crucial element in ensuring social justice in public services.

The principle of accountability requires every public service provider to be accountable to the public for every action and policy taken. Within the framework of good governance, accountability is a key indicator in assessing the quality of public services. Normatively, this principle requires an effective oversight mechanism and a transparent evaluation system. However, in practice, accountability is often formalistic and has no real impact on improving service quality. Weak complaint mechanisms and minimal sanctions

¹⁷ Mukaromah, U., & Wulandari, C. (2025). Implementasi Asas Equality Before The Law di Lembaga Pemasarakatan Kelas I Semarang. *Bookchapter Hukum dan Lingkungan*, 2, 956-984.

¹⁸ Sumaryanto, D., Judijanto, L., Zulaiha, H., Gussman, A. A., & Riady, Y. (2024). Law Enforcement Against the Practice of Advertising Fraud in Indonesia: A Review from the Aspect of Indonesian Criminal Law. *Pakistan Journal of Criminology*, 16(4).

¹⁹ Gussman, A. A., HAFRIDA, H., Usman, U., Sahuri, L., Sudarti, E., & SRI RAHAYU, A. S. T. U. T. I. (2024). Bargaining for Punishment in Corruption Crime Toward Justice from a Victimology Perspective. *Ipsa Jure*, 1(10), 10-17.

for violations exacerbate this situation. Therefore, strengthening accountability requires not only clear regulations but also strong institutional commitment.

The relevance of these legal principles in ensuring social justice lies in their ability to create a public service system that is fair, transparent, and accessible to all levels of society. The principles of equality and non-discrimination ensure that no individual is treated unfairly, while the principles of legal certainty and accountability ensure that services are provided consistently and responsibly. From a legal perspective, these principles serve as normative guidelines that direct the actions of service providers. However, the effectiveness of these principles depends heavily on their implementation in practice. Without consistent application, these principles will remain merely ideal norms that lack real impact. Therefore, the integration of norms and practices is key to realizing social justice.

The theory of distributive justice, as proposed by John Rawls, provides a strong conceptual framework for analyzing the distribution of public services. Rawls's difference principle asserts that inequality can only be justified if it benefits the least advantaged group.²⁰ In public services, this means that the state must prioritize vulnerable groups in the distribution of resources. Furthermore, the principle of fair equality of opportunity requires that every individual have equal access to public services. However, in practice, the distribution of services often does not reflect this principle, resulting in significant inequality. This demonstrates a mismatch between the theory of justice and the implementation of public policy.

The principles of fairness and equal access in justice theory emphasize the importance of fair treatment and equitable access in the provision of public services. Fairness relates not only to the final outcome but also to the process used in providing services. Meanwhile, equal access requires that every individual have an equal opportunity to obtain services without unnecessary obstacles. From a legal perspective, these two principles should be the basis for formulating public service policies. However, various structural and administrative barriers often hinder the realization of these principles. Therefore, policy reforms oriented towards substantive justice are needed.

A normative evaluation of regulatory implementation reveals a significant gap between legal norms (das sollen) and practice (das sein). Normatively, regulations comprehensively govern various aspects of public services, but in practice, implementation often does not align with applicable provisions. Inconsistent regulatory implementation at the regional level is a major factor contributing to unequal access to public services. Furthermore, weaknesses in regulatory design, such as non-operational norms and a lack of oversight mechanisms, further exacerbate this situation. From a legal perspective, this situation indicates a failure to ensure the effectiveness of norms. Therefore, legal reconstruction efforts are needed to bridge the gap between norms and practice to truly realize social justice.

²⁰ Arianto, Y. F., Agustiani, M. F., Shalzabilla, S., & Mayangsari, D. A. (2025). Konsep Keadilan Restoratif Dalam Perspektif Teori Keadilan John Rawls. *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*, 3(01).

The Ambiguity of Norms in Public Service Regulations and Its Implications for Inequality of Public Access

The concept of norm ambiguity in legal theory refers to a situation where a legal provision is not formulated clearly, firmly, and operationally, thus opening up wide and varied interpretations. From a legal perspective, vague norms are generally characterized by the use of abstract, multi-interpretable terms and the lack of measurable parameters.²¹ This characteristic causes norms to lose their effective binding power because they do not provide definitive guidance for legal subjects. Theoretically, the vagueness of norms contradicts the principle of *lex certa*, which requires clear legal formulations for consistent application. When norms are not formulated precisely, the potential for deviations in implementation increases. Therefore, clarity of norms is a primary prerequisite for ensuring legal certainty and justice.

The distinction between normative ambiguity and normative vacuum needs to be emphasized to avoid conceptual errors in legal analysis. Normative ambiguity occurs when a rule exists but is unclear in substance, thus creating ambiguity in its application.²² On the other hand, a normative vacuum occurs when a legal event is not regulated at all in statutory regulations.²³ In this regard, normative ambiguity is often more problematic than normative ambiguity, as the existence of unclear norms can mislead interpretation and create more complex legal uncertainty. Legally, normative ambiguity can be addressed through legal discovery (*rechtsvinding*), while normative ambiguity requires potentially subjective interpretation. Thus, normative ambiguity has more serious implications for the consistency of legal application. This situation demonstrates the importance of formulating clear and systematic norms in the formation of legislation.

The legal impact of unclear norms significantly impacts the effectiveness of the law and the protection of public rights. Vague norms tend to create legal uncertainty because they do not provide clear boundaries regarding the rights and obligations of legal subjects. In practice, this can lead to disparities in the application of the law by different authorities. Furthermore, unclear norms also open up room for abuse of authority because officials have the discretion to interpret provisions according to their own interests. From a legal perspective, this condition contradicts the principles of legal certainty and justice. Therefore, clarity of norms is a crucial element in ensuring effective legal protection for the public.

Identification of normative ambiguity in public service regulations reveals various provisions that are not formulated operationally. One form of this ambiguity is evident in the lack of clarity regarding minimum service standards, which should serve as benchmarks for service delivery. Many regulations only mention the obligation to provide "good," "adequate," or "quality" services without providing concrete, measurable indicators. This condition leaves service providers with broad freedom in determining service standards,

²¹ Selfianus Laritmas, S. H. (2026). *Hukum Perancangan Peraturan Perundang-Undangan: Teori, Praktik, dan Teknik Penyusunan*. PT. Revormasi Jangkar Philosophia.

²² Herlina, M. (2024). Konsep Penyusunan Norma Penjelasan Peraturan Perundang-Undangan Guna Mencegah Multitafsir Dalam Penegakan Hukum Di Indonesia. *Jurnal Penelitian Hukum Galunggung*, 1(3), 54-66.

²³ Maarif, I. (2024). Dinamika Kedudukan Peraturan Lembaga dalam Hierarki Perundang-Undangan: Tinjauan Yuridis dan Perspektif Praktis. *UNES Law Review*, 7(1), 336-344.

which can ultimately lead to non-uniformity. From an administrative law perspective, this has the potential to violate the principle of legal certainty because the public lacks a clear reference point for assessing service quality. Thus, the lack of clarity regarding minimum service standards is a concrete manifestation of normative ambiguity in public service regulations.

Furthermore, the ambiguity of norms is also reflected in the numerous general provisions without clear operational indicators. Overly general norms often fail to provide concrete guidance for service providers in carrying out their duties. As a result, the implementation of norms relies heavily on the subjective interpretations of individual officials. Under these conditions, the potential for inconsistencies and unfairness in service delivery increases. Normatively, this indicates a weak quality of legal regulation formulation. Therefore, more specific and measurable normative formulation is needed for effective implementation.

Ambiguity in the regulation of rights and obligations is another form of normative ambiguity in public services. Many regulations do not clearly define the boundaries of community rights and service providers' obligations. This situation creates an imbalance in the relationship between the state and society, often placing the latter in a weak position. From a legal theory perspective, an unbalanced legal relationship has the potential to give rise to structural injustice. Furthermore, this ambiguity complicates the law enforcement process due to the lack of clear standards. Therefore, clarity in the regulation of rights and obligations is crucial to ensuring social justice.

The ambiguity of norms surrounding oversight and accountability mechanisms further exacerbates problems in public services. Weak regulations regarding control and evaluation systems result in the absence of an effective mechanism to ensure service quality. Furthermore, the unclear role of supervisory institutions creates overlapping authority, hampering effective oversight. In practice, this situation leads to many violations not being firmly prosecuted. The lack of effective complaint instruments also limits the opportunity for the public to assert their rights. Therefore, strengthening oversight mechanisms is an urgent need for public service reform. The ambiguity of norms regarding legal sanctions is a key factor contributing to weak law enforcement in public services. Many regulations do not explicitly stipulate the type and extent of sanctions for violations, whether administrative or criminal. This ambiguity results in sanctions lacking sufficient coercive power to deter violations. Furthermore, inconsistencies between regulations also create confusion in the application of sanctions. From a criminal and administrative law perspective, unclear sanctions lose their preventive and repressive function.²⁴ Thus, the ambiguity of norms in the regulation of sanctions has direct implications for the weak deterrent effect and increases the potential for injustice in public services.

Discretion by officials in the provision of public services is a logical consequence of unclear norms that lack clear operational boundaries. In state administrative law, discretion is essentially the legitimate authority for officials to make decisions in certain situations that are not yet or not specifically regulated by

²⁴ Wahidah, N. (2025). Fungsi Hukum Pidana. *JUSTITIA: Journal of Justice, Law Studies, and Politic*, 1(01), 8-16.

statutory regulations.²⁵ However, when legal norms are formulated vaguely, the scope for discretion expands uncontrollably and potentially exceeds its original purpose. This situation leaves officials with excessive freedom in determining service standards and procedures. Normatively, discretion that is not clearly limited contradicts the principles of legal certainty and legality. Therefore, the existence of clear norms is a primary prerequisite for controlling the use of discretion and ensuring it remains within the law.

The expansion of discretionary power without clear boundaries opens the door to inconsistencies in the delivery of public services. Each official can interpret norms according to their own perspectives and interests, resulting in varying service practices even within the same regulatory framework. From a legal perspective, this creates legal uncertainty that is detrimental to the public as service recipients. Furthermore, this inconsistency also has the potential to lead to injustice because not all individuals receive equal treatment. Thus, uncontrolled discretion actually weakens the law's function as a tool for creating order and justice.

The potential for abuse of power increases when discretion is not balanced with adequate control mechanisms. Officials with broad authority without clear boundaries tend to use that authority for personal or group interests. From an administrative law perspective, abuse of power is a serious violation of the principle of the rule of law, which can result in harm to society.²⁶ This situation is exacerbated by a weak oversight system and the lack of firm sanctions for violations. As a result, maladministration practices such as discrimination, extortion, and unprofessional service are difficult to prevent. Therefore, controlling discretion through clear norms and effective oversight mechanisms is crucial. The conflict between discretion and legal certainty is a classic issue in legal theory that is increasingly relevant in the context of public services. On the one hand, discretion is necessary to provide flexibility in dealing with dynamic and complex situations. However, on the other hand, legal certainty demands clarity and consistency in the application of norms. When discretion is not regulated proportionally, the principle of legal certainty is significantly reduced. In such conditions, the public lacks assurance of their rights because they are dependent on the interpretation of officials. Therefore, a balance is necessary between discretion and legal certainty so that both can function harmoniously in supporting social justice.

The implications of unclear norms for unequal access to public services are clearly visible in the practice of discriminatory service delivery. Unclear norms allow officials to discriminate against certain individuals or groups without any objective basis. In this context, discrimination is not always explicit, but often occurs implicitly through non-transparent policies or administrative practices. This contradicts the principle of non-discrimination that should be the foundation of public services. As a result, certain groups in society experience difficulties in accessing services to which they are entitled. Thus, unclear norms are a factor reinforcing social inequality.

²⁵ Syafril, R., Efrina, R., Putri, V. A., & Chrisdiana, Y. (2023). Analisis wewenang pemerintah dalam kuasa diskresi administrasi. *JESS (Journal of Education on Social Science)*, 7(2), 219-228.

²⁶ Madjid, M. A. S., & Akbar, M. I. (2023). Kerugian keuangan negara atas penyalahgunaan wewenang dalam instrumen hukum administrasi negara. *Sanskara Hukum dan HAM*, 2(2).



Unequal service quality across regions is also a significant impact of unclear norms in public service regulations. Without clear and measurable standards, each region has the freedom to determine service quality according to its own capacity and interpretation. This situation creates a sharp disparity between regions with adequate resources and those with limited resources. From a distributive justice perspective, this inequality demonstrates the state's failure to distribute resources fairly.²⁷ Furthermore, this inequality also hinders the achievement of equitable national development goals. Therefore, establishing clear norms is crucial to ensure equitable distribution of services across all regions.

The marginalization of vulnerable groups is a further consequence of unequal access to public services caused by unclear norms. Socially and economically disadvantaged groups tend to be the most disadvantaged in an unclear and inconsistent service system. From a justice theory perspective, this situation indicates a failure to protect those most in need. Furthermore, this marginalization has the potential to exacerbate existing social inequalities. Therefore, the state has an obligation to ensure that public service regulations provide special protection for vulnerable groups. Without appropriate intervention, social justice will remain a normative concept that is not realized in practice.

A critical analysis from the perspective of the principles of legal certainty and justice shows that the ambiguity of norms violates the fundamental principles of the rule of law. This ambiguity leads to the loss of legal certainty, which should guarantee the public's right to obtain their rights. Furthermore, this situation contradicts the principle of social justice, which requires a fair and equitable distribution of services. The conflict between ideal norms and administrative practices further emphasizes the gap between *das sollen* and *das sein*. In this context, the law fails to fulfill its function as a tool for creating justice and order. Therefore, systematic remedial efforts are needed to address this problem.

Normative reconstruction is an urgent solution to address the ambiguity of norms in public service regulations. Formulating more specific and operational norms must be a priority in the formation of legislation. Furthermore, affirming measurable minimum service standards is necessary to ensure consistent service quality. Strengthening oversight mechanisms and imposing strict sanctions will increase the accountability of service providers. Harmonizing regulations across sectors is also crucial to avoid overlap and multiple interpretations. Therefore, normative reconstruction aims not only to clarify norms but also to truly realize social justice in public services.

CONCLUSIONS

The realization of social justice in access to public services in Indonesia has a strong normative foundation, both in the constitution and legislation, but has not been fully implemented effectively in practice. The main problem lies in the vagueness of norms in public service regulations, which causes legal uncertainty, uncontrolled expansion of the scope for discretion of officials, and opens up opportunities for abuse of authority. This condition has direct implications for the emergence of inequality in access to public services,

²⁷ Febriyanti, R., & Sapa, N. B. (2025). Keadilan Distributif Dan Peran Negara Menurut M. Umer Chapra: Analisis Terhadap Konsep Dan Implementasinya. *JSE: Jurnal Sharia Economica*, 4(2), 63-75.

both in the form of discrimination, uneven quality between regions, and marginalization of vulnerable groups. Analytically, this reflects a significant gap between the ideal norm (das sollen) and the implemented reality (das sein), so that the principles of social justice, legal certainty, and non-discrimination are not optimally fulfilled. Therefore, normative reconstruction is an urgent need through the formulation of clearer, more operational, and measurable regulations, accompanied by strengthening oversight mechanisms and the enforcement of sanctions. Thus, only through comprehensive legal system reform oriented towards substantive justice can the goal of social justice in public services be realized concretely for all levels of society.

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