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Utility and Justice in Jeremy Bentham's thought: the Limits of the Principle of Utility in Legal Assessment

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Abstract: Jeremy Bentham's utilitarian philosophy places the principle of utility at the core of evaluating actions and policies based on their consequences in terms of pleasure and suffering. However, an assessment focusing solely on aggregate benefits may fail to address justice when benefits and burdens are unequally distributed or individual rights are affected. This article examines the limitations of Bentham's principle of utility in legal assessment and formulates an evaluative framework incorporating distributive justice and the protection of individual rights, particularly victims' rights. This normative legal research employs conceptual and philosophical approaches. The analysis examines Bentham's principle of utility, the distribution of benefits and burdens, John Rawls's critique of utilitarianism, and the principle of proportionality as a supporting perspective. The article proposes a three-stage evaluative framework, developed as the author's analytical construct: assessing consequences, evaluating the distribution of benefits and burdens, and examining the protection of individual rights. This framework illustrates the relevance of Bentham's thought to protecting victims of theft when stolen property constituting evidence is held by third parties, including *Pegadaian*. The findings indicate that utility is relevant to assessing the actual consequences of legal choices but insufficient as the sole criterion of justice.

Keywords: Jeremy Bentham, Utilitarianism, Principle of Utility, Distributive Justice, Victim Protection

Abstrak: *Pemikiran utilitarianisme Jeremy Bentham menempatkan prinsip utilitas sebagai dasar penting untuk menilai tindakan dan kebijakan berdasarkan konsekuensinya terhadap kenikmatan dan penderitaan. Namun, penilaian yang hanya menekankan besarnya manfaat secara keseluruhan belum tentu menjawab persoalan keadilan ketika manfaat dan beban tersebar secara tidak seimbang atau ketika hak individu terdampak. Artikel ini bertujuan menganalisis batas prinsip utilitas Bentham dalam penilaian hukum serta merumuskan kerangka evaluasi yang juga memperhatikan keadilan distributif dan perlindungan hak individu, khususnya hak korban. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan konseptual dan filosofis. Analisis dilakukan terhadap prinsip utilitas Bentham,*

persoalan distribusi manfaat dan beban, kritik John Rawls terhadap utilitarianisme, serta prinsip proporsionalitas sebagai perspektif pendukung. Artikel ini mengusulkan kerangka penilaian tiga tahap yang merupakan konstruksi analitis penulis, yaitu penilaian konsekuensi, penilaian distribusi manfaat dan beban, serta penilaian perlindungan hak individu. Kerangka tersebut digunakan untuk menjelaskan relevansi pemikiran Bentham terhadap perlindungan korban tindak pidana pencurian ketika barang bukti berada dalam penguasaan pihak ketiga, termasuk Pegadaian. Analisis menunjukkan bahwa prinsip utilitas berguna untuk menilai akibat nyata dari pilihan hukum, tetapi tidak memadai apabila diperlakukan sebagai satu-satunya ukuran keadilan.

Kata Kunci**:** *Jeremy Bentham, Utilitarianisme, Prinsip Utilitas, Keadilan Distributif, Perlindungan Korban*

INTRODUCTION

A fundamental issue in legal philosophy concerns the criteria by which law is assessed as good or bad. Such an assessment may be based on justice, legal certainty, utility, morality, or the consequences produced by law. One school of thought that specifically places consequences at the centre of evaluation is Jeremy Bentham's utilitarianism. Through the principle of utility, Bentham evaluates actions according to their tendency to produce pleasure or pain. This principle regards the consequences of an action as an important consideration, meaning that laws and policies cannot be assessed solely on the basis of their formal characteristics or stated objectives, but also in terms of their impact on human life (Bentham, 1948).

Problems arise when utility is treated as the sole criterion for legal assessment. A policy may generate substantial aggregate benefits while simultaneously imposing significant losses on certain individuals or groups. Accordingly, the overall magnitude of benefits does not automatically establish whether benefits and burdens have been distributed fairly. The issue is not merely that the interests of the majority are necessarily in conflict with individual interests, but rather that aggregate assessment may obscure differences in the positions and impacts experienced by each party (Hananto, 2025).

In light of this issue, the relationship between utility and justice requires closer examination. The principle of utility primarily directs attention towards the consequences of an action or policy, whereas questions of justice also require an examination of how benefits and burdens are distributed, who is affected, and whether individual rights remain protected. Accordingly, this article does not regard utility and justice as two values that are necessarily in opposition. Rather, it examines whether utility-based assessment alone provides sufficient justification when legal consequences give rise to competing interests.

This issue is particularly relevant to the protection of victims of criminal offences, especially when victims' interests conflict with those of other parties concerning property connected to a criminal offence. Where evidence is in the possession of a third party, legal choices may affect victim recovery, evidentiary requirements, and the interests of third parties who have a legitimate basis for possessing such property. A decision that benefits one party does not necessarily resolve the allocation of burdens or ensure the protection of other parties' rights. This situation provides a context for examining both the utility and the limitations of the principle of utility in legal assessment, without presupposing which party should be given priority.

Studies on Bentham's utilitarianism have been conducted from various perspectives. Pratiwi, Negoro, and Haykal discuss the principle of utility as a basis for assessing legal products, rather than merely as an objective of law (Pratiwi et al., 2022). Taufik, Wahyuni, and

Gunawan examine the history and development of utilitarianism in the context of Indonesian law (Taufik et al., 2024). Meanwhile, Pertiwi and Roemansyah discuss law as a means of promoting happiness in the modern context, including the risks of disregarding individual rights and the difficulties of measuring happiness. This article extends these discussions by emphasising a more specific issue: how the assessment of consequences should be complemented by an examination of the distribution of benefits and burdens, as well as the protection of individual rights, when the interests of the parties concerned conflict (Pertiwi & Roemansyah, 2026).

Based on the foregoing, this article addresses the following research question: what are the limitations of Jeremy Bentham's principle of utility in legal assessment when confronted with issues of distributive justice and the protection of individual rights, particularly victims' rights? This article argues that the principle of utility remains important for assessing legal consequences, but must be complemented by an examination of the distribution of benefits and burdens and the protection of rights, so that legal assessment does not focus exclusively on the magnitude of aggregate benefits.

This article constitutes normative legal research employing conceptual and philosophical approaches. Jeremy Bentham's works, particularly *An Introduction to the Principles of Morals and Legislation*, serve as primary sources for examining the principle of utility. Secondary literature includes studies on utilitarianism, distributive justice, individual rights, and proportionality. The analysis is conducted through interpretative and argumentative methods: first, reconstructing Bentham's principle of utility; second, identifying the problems of aggregate assessment through an examination of the distribution of benefits and burdens and the protection of rights; and third, formulating a three-stage evaluative framework and explaining its relevance to victim protection.

METHODS

This research employs a normative juridical method using conceptual and philosophical approaches. It examines Jeremy Bentham's principle of utility as a basis for legal assessment, particularly in relation to the consequences of legal norms, the distribution of benefits and burdens, and the protection of individual rights. The analysis also draws upon John Rawls's critique of utilitarianism and the principle of proportionality as supporting analytical perspectives to assess the justification for restrictions on individual rights. The research relies on secondary legal materials, including relevant legal and philosophical literature, academic journal articles, and other scholarly sources. These materials are analysed qualitatively through legal interpretation and conceptual analysis to develop a three-stage evaluative framework comprising the assessment of consequences, the distribution of benefits and burdens, and the protection of individual rights. This framework is subsequently applied to examine the legal implications of protecting victims of theft when the relevant evidence is in the possession of a third party, including *Pegadaian*, while taking into account the applicable positive law and relevant facts.

RESULTS AND DISCUSSION

Jeremy Bentham's Principle of Utility as a Foundation for Legal Assessment

Bentham begins with the view that human behaviour is influenced by pleasure and pain. These two elements provide the basis for understanding human choices and assessing the likely consequences of an action. The principle of utility holds that an action is evaluated according to its tendency to increase or diminish the happiness of those whose interests are affected. In the legal context, this principle encourages an assessment of the actual consequences of legal norms, policies, and their implementation, rather than merely the intentions of lawmakers or their formal characteristics (Bentham, 1948).

Bentham's principle of utility should not be understood as establishing an absolute separation between the interests of society and those of individuals. Society consists of individuals; therefore, an assessment of societal interests ultimately concerns the interests of the individuals who constitute it. Accordingly, individual interests must be taken into account when evaluating social consequences. Nevertheless, considering each individual's interests within a calculation does not, in itself, resolve all questions concerning how benefits and burdens should be distributed or how individual rights should be protected when interests conflict (Hananto, 2025).

Thus, Bentham's utilitarianism adopts a consequentialist orientation: the quality of an action or policy is assessed by considering the consequences it tends to produce. In legal assessment, this orientation requires lawmakers and law enforcers to consider the benefits, losses, and risks arising for both individuals and society. Nevertheless, the evaluation of consequences still requires an explanation of who is affected and how those consequences are experienced, particularly when a particular choice provides substantial benefits to some parties while imposing significant burdens on others (Putri & Kinanti, 2024).

Bentham explains the assessment of pleasure and pain through several dimensions known as the *felicific calculus* or *hedonic calculus*, including intensity, duration, certainty, propinquity, fecundity, purity, and extent. This framework is intended to facilitate a more systematic assessment of consequences, rather than to make human experiences entirely quantifiable through precise numerical measurements (Fios, 2012).

Accordingly, the *felicific calculus* should not be understood as a mathematical formula that invariably produces objective and definitive answers. Rather, it is more appropriately regarded as a conceptual instrument for structuring considerations concerning potential consequences. In legal application, such assessment continues to face challenges concerning the availability of information, differences in individual experiences, and the comparison of benefits and losses that are not always commensurable. These difficulties demonstrate the need for caution in treating the calculation of utility as the sole basis for legal justification (Fios, 2012).

Bentham's conception of punishment also demonstrates the importance of consequences in legal assessment. Punishment causes suffering and therefore cannot be justified merely because the state possesses the authority to impose it. Within the utilitarian framework, punishment must be supported by reasons relating to the prevention or reduction of crime and must not be imposed where the suffering it causes produces no benefit capable of justifying it. This discussion forms part of Bentham's argument concerning the justification of punishment, rather than constituting the entirety of his legal theory.

From the foregoing discussion, it can be understood that the principle of utility provides an important foundation for evaluating law on the basis of its consequences. However, the importance of consequences does not mean that all issues of justice can be resolved merely by aggregating benefits and losses. When such consequences are experienced differently by parties occupying different positions and possessing different rights, legal assessment must proceed further by examining the distribution of consequences and the protection of individual rights.

Utility as a Consequentialist Orientation in Legal Assessment

The consequentialist orientation in Bentham's thought shifts the focus of legal assessment from formal characteristics alone towards the consequences produced by legal norms or policies. This does not mean that the formal validity of law becomes irrelevant. Rather, validity and consequences address different questions: validity concerns the grounds upon which a legal norm derives its binding force, whereas the evaluation of consequences

assesses the impact of that norm on human life. Accordingly, the principle of utility can serve as one of the instruments for evaluating the quality of law.

Consequences are important because law operates within social life and affects individuals and groups in ways that are not necessarily uniform. A policy may produce different benefits, risks, or suffering for the parties affected. The principle of utility helps identify and consider these consequences. However, an assessment focusing exclusively on the overall magnitude of benefits may conceal the reality that benefits are concentrated in one group, while the burdens are borne by another (Firdaus et al., 2026).

In this context, a distinction must be drawn between utility as a normative objective and utility as a method of assessment. The study by Pratiwi, Negoro, and Haykal demonstrates the relevance of the principle of utility as an instrument for evaluating legal products. When employed as an evaluative method, the principle of utility helps raise questions concerning the consequences produced by a particular legal norm or policy. However, the use of this method does not eliminate the need to assess other aspects, particularly the distribution of benefits and burdens and the protection of individual rights (Pratiwi et al., 2022).

Problems arise when utility is no longer regarded as one consideration among others but instead becomes the sole criterion for legal assessment. In such circumstances, aggregate benefits may potentially be used to justify disproportionate burdens imposed on particular parties, as though benefits accruing to many people are invariably sufficient to outweigh the losses experienced by an individual. Such a conclusion cannot simply be accepted. An assessment must examine the nature of the loss, the party bearing it, the legal basis for the action taken, and the availability of less restrictive alternatives.

This criticism does not mean that Bentham straightforwardly justifies sacrificing individuals for the interests of the majority. His thought takes individual interests into account when assessing societal happiness and gives consideration to interests such as security, expectations, and equality. Accordingly, the appropriate interpretation is not to assert that utilitarianism necessarily disregards individuals, but rather to examine whether the calculation of consequences alone provides adequate protection when individual interests conflict and the resulting consequences are distributed unequally (Dumont, 1843).

Questions concerning who receives the benefits and who bears the burdens must therefore accompany the assessment of consequences. This is where the issue of distributive justice becomes relevant. Legal assessment is insufficient if it merely identifies the amount or magnitude of benefits; it must also examine how benefits and losses are distributed, whether particular burdens fall excessively upon certain parties, and whether such distribution can be justified on adequate legal grounds.

The Limits of the Principle of Utility: When Utility Confronts Justice

The relationship between utility and justice can be analysed through the distinction between the assessment of consequences and the assessment of their distribution. Utility directs attention towards the impact of an action on pleasure and pain, whereas distributive justice requires an examination of how benefits and burdens are allocated among the affected parties. The two are not necessarily in conflict, but neither are they identical. A policy that increases aggregate benefits may still raise questions of justice if its benefits and burdens are distributed unequally (Dumont, 1843).

The principle of utility requires affected interests to be taken into account without assigning different weight solely on the basis of an individual's identity. However, equal treatment in incorporating interests into a calculation does not necessarily resolve whether the ultimate outcome is just. If the substantial loss borne by one individual is considered offset merely by the accumulation of minor benefits received by many people, aggregate assessment risks obscuring the position of the individual who bears that loss. This issue constitutes one of

the principal criticisms concerning the adequacy of utilitarianism as the sole theory of justice (Postema, 2019).

This distinction can be formulated as follows: the principle of utility primarily evaluates the consequences of an action or policy, whereas an assessment of justice also examines the distribution of benefits and burdens, the positions of the affected parties, and the protection of fundamental rights and liberties. This formulation constitutes the analytical framework of this article, rather than an assertion that Bentham entirely disregarded individual interests or equality (Hananto, 2025).

John Stuart Mill retained the principle of utility but developed utilitarianism by distinguishing the quality of pleasures, rather than considering their quantity alone. Mill's thought demonstrates that the assessment of happiness cannot always be reduced to a simple aggregation of pleasures. In this article, Mill is presented as representing an internal development within the utilitarian tradition that enriches the discussion concerning the quality of benefits; such a discussion does not, in itself, resolve the issues of burden distribution and rights protection that constitute the primary focus of this article.

John Rawls's criticism directs attention to the tendency of utilitarianism to aggregate the gains and losses experienced by different individuals into a single social calculation. According to Rawls, individuals are separate persons; therefore, the benefits received by one person do not automatically offset the losses borne by another. This criticism helps explain why aggregate benefits are not always sufficient to justify an unjust distribution of burdens. Nevertheless, Rawls is not invoked here to suggest that every claim of rights must invariably prevail over all considerations of utility, but rather to demonstrate the need for limits and justification regarding the means through which social benefits are achieved (Situmorang et al., 2023).

Accordingly, utility is not identical to justice, although the two need not be regarded as being in absolute opposition. The principle of utility provides a perspective for evaluating consequences, whereas justice introduces additional questions concerning distribution, the positions of affected parties, and the protection of rights. The limitation of the principle of utility examined in this article lies in its inadequacy when applied independently to resolve all issues concerning distribution and rights, rather than in the assumption that Bentham's theory lacks any consideration for individuals.

The Protection of Individual Rights as a Limit on the Assessment of Utility

The issue of justice becomes increasingly important when legal consequences affect individual rights. Rights may serve to protect certain interests so that a person is not treated merely as a means of producing benefits for others. Tension arises when a policy is claimed to increase collective benefits but, at the same time, restricts rights or imposes serious losses on certain individuals. In such circumstances, the magnitude of the benefits is insufficient as the sole justification; the legal basis, purpose, degree of restriction, and available alternatives must also be examined.

Rawls's criticism, through the idea of *justice as fairness*, helps clarify this issue. Rawls places the principles of justice at the foundation of the assessment of society's basic structure, including its legal and social institutions. One important aspect of his theory is the protection of equal basic liberties. In the context of this article, Rawls's idea is used as a critical lens to assess the risks that arise when individual interests are treated merely as elements that can be exchanged within a calculation of aggregate utility (Rawls, 1999).

The benefit obtained by one individual does not, in itself, eliminate the suffering experienced by another. Therefore, where a decision or policy generates benefits for the majority but imposes serious restrictions on the rights of certain parties, the justification for such restrictions must be explained separately. This does not mean that every right is absolute

or that considerations of utility are irrelevant. Rather, claims of utility cannot replace an analysis of the legal basis and justification for restricting rights.

The principle of proportionality may be used as an additional analytical instrument to examine restrictions on rights through three sub-principles: suitability, necessity, and proportionality in the narrow sense. This framework is not identical to Bentham's principle of utility, nor is it claimed to be a theory jointly formulated by Bentham, Rawls, and Alexy. In this article, proportionality is used as a supporting instrument to examine whether a restriction on rights pursues a legitimate aim, is capable of contributing to the achievement of that aim, is necessary in comparison with less restrictive alternatives, and is balanced against the benefits sought to be achieved (Alexy, 2005).

Accordingly, the principle of utility is insufficient, on its own, to justify restrictions on individual rights. An assessment must also consider the legal basis, the purpose to be achieved, the severity of the restriction, and the proportional relationship between the restriction and that purpose. Even where a particular choice is expected to produce greater aggregate benefits, this does not, in itself, justify every form of restriction on rights. It must be demonstrated why the restriction is necessary and why less restrictive alternatives would be inadequate (Alexy, 2005).

The protection of individual rights need not be understood as a rejection of the principle of utility. On the contrary, the protection of rights may serve as an element ensuring that efforts to achieve utility do not disregard the interests of individuals or groups who bear the burden. This idea is consistent with the use of Rawls's theory as a critique of the aggregation of individual interests, while the principle of proportionality provides additional analytical questions concerning the justification for restrictions on rights. Both are employed as supporting perspectives, rather than as part of Bentham's own doctrine (Rawls, 1999).

A Three-Stage Framework for Legal Assessment and Its Relevance to the Protection of Victims

Bentham's principle of utility places consequences as an important consideration in legal assessment. However, the benefits produced by a law do not necessarily reflect justice if the distribution of benefits and burdens is not examined or if individual rights are disregarded. Based on the preceding discussion, this article proposes a three-stage evaluative framework. This framework constitutes an analytical construct developed by the author, drawing on Bentham's principle of utility, Rawls's criticism concerning the aggregation of individual interests, and the use of proportionality as a supporting instrument.

The first stage is the assessment of consequences. At this stage, the assessor identifies the benefits, losses, and risks arising from each legal option for all affected parties. Bentham's principle of utility provides the principal foundation at this stage because it directs attention to actual consequences, rather than merely the intentions or formal features of a policy. However, the outcome of the first stage is not sufficient to determine whether a particular option is just; the identification of consequences must be followed by an examination of their distribution and the rights involved (Dumont, 1843).

The second stage is the assessment of the distribution of benefits and burdens. This stage examines who receives the benefits, who bears the losses, how severe those burdens are, and whether their distribution can be justified. At this stage, the assessment does not stop at the total amount of benefits but also examines the position of the affected parties and whether one party bears a disproportionate burden for the benefit of another. Rawls's criticism helps affirm that the advantages obtained by certain parties do not automatically eliminate the losses suffered by others (Hananto, 2025).

The third stage is the assessment of the protection of individual rights. Where a legal option restricts rights, it is necessary to examine the legal basis and purpose of the restriction,

its suitability for achieving that purpose, the necessity of the restriction in comparison with less restrictive alternatives, and the proportionality between the restriction and the purpose sought to be achieved. This stage does not assume that every right is invariably absolute; rather, it requires that restrictions on rights be supported by reasons that can be examined and tested (Putra & Sujatmiko, 2022).

1. In the context of protecting victims of theft where the evidence is in the possession of *Pegadaian*, the first stage requires an assessment of the consequences of the available resolution alternatives for the victim, the evidentiary requirements, and the third party possessing the property pursuant to a particular legal relationship. Relevant questions include the impact of each alternative on the possibility of victim recovery, the continuation of the evidentiary process, and the legitimate interests of the third party. This assessment cannot be conducted merely by stating that one party obtains a benefit; the consequences for all parties must be identified transparently.
2. The second stage requires the assessor to examine how the benefits and burdens arising from those alternatives are distributed. The protection of the third party's interests must be considered together with its impact on the victim's recovery. Conversely, the victim's recovery must also be analysed by taking into account the legal basis for the possession of the property and the third party's legally protectable interests. The third stage then examines the legal basis and proportionality of any restrictions on rights that may arise. This framework does not automatically determine whether the victim or *Pegadaian* should be given priority; the determination of specific rights still requires an analysis of the applicable positive law and relevant facts.
3. The three-stage framework demonstrates both the utility and the limitations of the principle of utility. This principle helps assess the actual consequences of legal choices, while an examination of the distribution of benefits and burdens reveals who gains and who bears the losses. The examination of rights then determines whether restrictions imposed on particular parties have a legal basis and can be justified proportionately. Accordingly, this article does not contribute an entirely new theory of legal philosophy; rather, it develops a systematic sequence of evaluation and applies it to the issue of victim protection where evidence is held by a third party.

This framework may be used as an analytical tool, but not as a substitute for the rules of positive law governing evidence, possession of property, third-party rights, or victim recovery. In cases involving evidence held by *Pegadaian*, the legal answer must remain grounded in the applicable provisions and established facts. The contribution of this framework is to ensure that the analysis does not stop at aggregate utility, but also examines the distribution of burdens and the protection of the rights of the parties involved.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Jeremy Bentham's principle of utility provides an important foundation for legal assessment because it requires consideration of the consequences of legal norms, policies, and their implementation. However, the magnitude of overall benefits does not, in itself, resolve questions of justice, particularly where benefits and burdens are distributed unequally or where individual rights are affected. The limitation of the principle of utility discussed in this article does not mean that Bentham entirely disregarded individual interests, but rather that the calculation of consequences alone may not be sufficient to address all issues concerning distribution and the protection of rights.

This article proposes a three-stage evaluative framework, which constitutes the author's analytical construct, namely the assessment of consequences, the assessment of the distribution of benefits and burdens, and the assessment of the protection of individual rights. This

framework positions utility as an important instrument, but not as the sole criterion for legal assessment. In the context of protecting victims of theft where evidence is in the possession of a third party, this framework may be used to examine the consequences of each available alternative, the distribution of burdens among the affected parties, and the justification for restrictions on rights. The framework does not determine which party should be given priority without an analysis of the applicable positive law and relevant facts.

Accordingly, the principle of utility need not be abandoned, but should instead be situated within an evaluative framework that sequentially considers consequences, distributive justice, and the protection of individual rights. This approach allows utility to remain an important consideration without treating aggregate benefits as an automatic justification for every distribution of burdens or restriction of rights.

Limitations

This study has several limitations. First, it was conducted only on specific objects and during a particular period, so the findings cannot yet be generalized to all industrial sectors or regions. Second, the study used a limited set of variables, while other factors may also affect the dependent variable. Third, the research approach did not fully capture long-term changes. The findings should therefore be interpreted within the scope of this study.

Recommendations

In legal assessment, lawmakers and law enforcers should consider not only the magnitude of the anticipated benefits, but also identify the parties who receive those benefits, the parties who bear the burdens, and the legal basis and proportionality of any restrictions on rights. In matters concerning the protection of victims where evidence is held by a third party, the three-stage framework may be used as an analytical tool, while remaining guided by the applicable positive law and relevant facts. This framework should be further developed and tested through studies of different types of cases and legal contexts.

Author Contributions

All authors made significant contributions to this study. These contributions included research conceptualization, development of the theoretical framework, data collection, data analysis, interpretation of results, manuscript preparation, scholarly revision, and final approval of the manuscript for publication. All authors confirm that they have read and approved the final version of the article.

AI Disclosure Statement

While drafting this manuscript, the author used ChatGPT for grammar editing and translation. The author has thoroughly reviewed and edited the content and takes full responsibility for the entire content of this publication.

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