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Beyond the 'Greatest Happiness Principle': Exploring the Compatibility of Individual Rights and Utilitarian Ethics in Legal Policy Making

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ABSTRACT

Utilitarianism, a consequentialist ethical theory, has been influential in shaping legal policies by emphasizing the maximization of overall happiness. However, its compatibility with individual rights, which are often considered fundamental and inviolable, remains a contentious issue. This paper delves into the complex relationship between individual rights and utilitarian ethics in legal policy making, exploring the potential for conflict and reconciliation. The study employs a qualitative research methodology, combining conceptual analysis and case studies. It analyzes key philosophical texts on utilitarianism and individual rights, examining the arguments for and against their compatibility. Additionally, it investigates real-world legal policies, such as those related to public health, national security, and criminal justice, to assess the practical implications of integrating utilitarian and rights-based approaches. The analysis reveals that while utilitarianism and individual rights can sometimes clash, there are also avenues for harmonizing them. The 'Greatest Happiness Principle,' which underpins utilitarianism, can be interpreted in ways that accommodate and even support individual rights. For instance, the recognition of certain basic rights can be seen as essential for maximizing long-term societal well-being. In conclusion, the compatibility of individual rights and utilitarian ethics in legal policy making is not an all-or-nothing proposition. It requires careful consideration of the specific context, balancing the potential benefits of maximizing overall happiness with the imperative of protecting fundamental rights. By acknowledging the complexities and nuances of this relationship, legal policymakers can strive for a more just and equitable society.

1. Introduction

Individual rights are the bedrock of modern legal systems, serving as the guardians of fundamental freedoms and ensuring equitable treatment for all under the law. These rights, often enshrined in constitutions or legal frameworks, are not merely abstract concepts; they are considered indispensable for the preservation of human dignity and autonomy. The right to life, the right to liberty, the right to freedom of expression, and the right to a fair trial are just a few examples of these fundamental entitlements that protect individuals from undue encroachment by the state or other individuals. Individual rights serve a multitude of purposes. They act as safeguards against the abuse of power by those in authority, ensuring that the power of the state is not wielded arbitrarily or

unjustly. They empower individuals to live their lives according to their own beliefs and values, free from coercion or undue interference. They foster a sense of security and stability within society, allowing individuals to flourish and pursue their goals without fear of arbitrary intrusion.¹⁻³

In contrast to the focus on individual entitlements inherent in the concept of rights, utilitarianism, a leading consequentialist ethical theory, offers a distinct perspective on morality and decision-making. It posits that actions should be judged not based on their adherence to preordained rules or principles, but rather on their consequences, specifically their impact on overall happiness or well-being. The central tenet of utilitarianism is to maximize utility, which is often defined as the greatest happiness for the greatest

number of people. Utilitarianism has been a powerful force in shaping legal policies, particularly in areas where the well-being of the many is at stake. Public health initiatives, environmental regulations, and economic policies are just a few examples of domains where utilitarian considerations often play a central role. The appeal of utilitarianism lies in its intuitive simplicity and its focus on maximizing overall welfare. It seems logical, at least on the surface, to strive for the greatest good for the greatest number.⁴⁻⁶

The relationship between individual rights and utilitarian ethics in the context of legal policy-making is one of profound complexity and multifaceted implications. While both perspectives share a common concern for human welfare, their paths can diverge, leading to conflicting conclusions. This tension arises from the inherent nature of utilitarianism, which places the collective good at the forefront, even if it means potentially encroaching upon the rights of a select few. The potential for conflict between individual rights and utilitarian goals is evident in various areas of law and policy. In the realm of public health, mandatory vaccination campaigns, while potentially maximizing overall health by promoting herd immunity, may come into conflict with individual rights to bodily autonomy and informed consent. In the criminal justice system, harsher sentencing laws may serve a utilitarian purpose by deterring crime and potentially increasing overall safety, but they may also disproportionately punish certain individuals, raising concerns about fairness and justice.⁷⁻¹⁰ This research paper embarks on a journey into the intricate dynamics between individual rights and utilitarian ethics in the arena of legal policy-making.

2. Methods

This study embarks on a journey to explore the intricate relationship between individual rights and utilitarian ethics in legal policy making through a qualitative research methodology. This approach is particularly well-suited to delve into the complexities, nuances, and multifaceted dimensions of this interplay, as it allows for a deeper understanding of the underlying principles, arguments, and practical implications involved.

The first pillar of our methodology is conceptual analysis, a rigorous examination of key philosophical

texts on utilitarianism and individual rights. This involves a careful exploration of the works of influential thinkers who have shaped the discourse on these concepts, such as Jeremy Bentham, John Stuart Mill, and Immanuel Kant. By delving into their seminal works, we seek to unravel the fundamental principles and arguments that underpin each perspective. This analysis helps us to identify the potential points of conflict and convergence between utilitarianism and individual rights, providing a theoretical framework for understanding their interplay in legal policy making.

The second pillar of our methodology is the use of case studies, which serve to ground our conceptual analysis in the practical realities of legal policy making. These case studies focus on specific areas where the tension between individual rights and utilitarian considerations is particularly salient, such as public health, national security, and criminal justice. By examining real-world legal policies in these areas, we aim to gain insights into how policymakers have navigated the challenges of balancing the potential benefits of maximizing overall happiness with the imperative of protecting fundamental rights. The case study approach allows us to move beyond abstract theorizing and delve into the concrete implications of integrating utilitarian and rights-based approaches in legal policy making.

The selection of case studies is guided by the goal of illuminating the spectrum of potential conflict and harmony between individual rights and utilitarian ethics. Each case study is carefully chosen to represent a specific area of law and policy where this tension is particularly pronounced. Mandatory vaccination campaigns provide a compelling case study, as they highlight the potential conflict between the utilitarian goal of protecting public health and herd immunity and the individual right to bodily autonomy and informed consent. Surveillance programs raise critical questions about the balance between the utilitarian aim of preventing terrorism and protecting national security and the individual right to privacy. Harsher sentencing laws for repeat offenders present another case study, as they demonstrate the potential clash between the utilitarian pursuit of deterring crime and potentially increasing overall safety and the individual right to due process and protection against cruel and unusual

punishment. Restrictions on land use for environmental conservation purposes illustrate the tension between individual property rights and the utilitarian goal of preserving natural resources for future generations and promoting ecological balance. The prioritization of limited healthcare resources, such as organ transplantation, presents a challenging case study, as it involves balancing the utilitarian objective of maximizing benefits for the greatest number of patients with the individual right to life and equal protection.

The data collection process for the case studies involves a comprehensive review of relevant legal documents, policy reports, and scholarly commentaries. This includes; Legal Documents: Primary legal sources, such as constitutions, statutes, and court decisions, provide the legal framework for understanding the interplay between individual rights and utilitarian considerations in each policy area; Policy Reports: Government reports, policy briefs, and white papers offer insights into the policy rationale, objectives, and implementation strategies related to the chosen legal policies; Scholarly Commentaries: Academic articles, books, and legal journals provide critical analysis, ethical reflections, and diverse perspectives on the relationship between individual rights and utilitarianism in legal policy making.

The data analysis process involves a systematic and iterative approach to identify patterns, contradictions, and potential resolutions in the relationship between individual rights and utilitarian ethics. This includes; Content Analysis: A detailed examination of the language, concepts, and arguments used in the legal documents, policy reports, and scholarly commentaries to identify key themes, patterns, and areas of agreement or disagreement; Comparative Analysis: A comparison of different legal policies and approaches across jurisdictions or time periods to identify variations, best practices, and lessons learned; Ethical Analysis: A critical evaluation of the ethical implications and potential unintended consequences of legal policies that prioritize utilitarian goals over individual rights or vice versa.

3. Results

Table 1 outlines five distinct case studies, each

exploring the intricate balance between individual rights and utilitarian ethics within different legal policy areas; Public Health - Mandatory Vaccination: Mandatory vaccination programs, while aimed at protecting public health through herd immunity (a utilitarian goal), can clash with individual rights to bodily autonomy and informed consent. This highlights the tension between the collective good and individual freedom. Successfully implemented vaccination programs can ultimately protect public health and create herd immunity, which benefits both individuals and the community as a whole. This demonstrates a potential alignment between utilitarian aims and the protection of individual well-being within a healthy society; National Security - Surveillance Programs: Surveillance programs, often justified on the grounds of national security and preventing terrorism (utilitarian goals), can infringe upon individual rights to privacy. This raises concerns about the extent to which governments can monitor citizens in the name of collective security. Effective surveillance programs can potentially prevent terrorism and protect national security, which ultimately contributes to the safety and well-being of individuals within society. This suggests that in certain contexts, limitations on privacy might be justified if they genuinely serve to protect a greater number of people; Criminal Justice - Harsher Sentencing: Harsher sentencing laws, aimed at deterring crime and potentially increasing overall safety (utilitarian goals), can result in disproportionate punishment for certain individuals. This raises concerns about fairness, justice, and the potential for discriminatory application of the law. Harsher sentencing for repeat offenders could potentially deter crime and contribute to overall safety, which benefits all members of society. However, the challenge lies in ensuring that such policies are applied fairly and do not disproportionately impact certain groups; Environmental Law - Restrictions on Land Use: Restrictions on land use for environmental conservation purposes (a utilitarian goal aimed at preserving resources for future generations) can limit individual property rights. This highlights the tension between individual economic interests and the collective responsibility for environmental sustainability. Environmental regulations, while

potentially limiting individual land use, can contribute to the preservation of natural resources, promote ecological balance, and ultimately benefit both current and future generations. This emphasizes the potential for long-term societal benefits to outweigh short-term individual restrictions; Healthcare Law - Prioritization of Limited Resources: Prioritizing limited healthcare resources, such as organ transplants (aimed at maximizing benefits for the greatest number of patients - a utilitarian goal), can potentially deny care

for certain individuals. This raises ethical dilemmas about how to fairly allocate scarce resources and the value placed on individual lives. While difficult, prioritizing healthcare resources based on objective criteria can ensure that the greatest number of patients benefit from limited resources. This highlights the need for transparent and ethical guidelines in healthcare allocation to balance utilitarian considerations with respect for individual needs.

Table 1. Case study: potential conflict and harmony.

Case study	Policy area	Potential conflict	Potential harmony
1	Public Health - Mandatory Vaccination	Infringement on bodily autonomy	Protection of public health, herd immunity
2	National Security - Surveillance Programs	Violation of privacy rights	Prevention of terrorism, protection of national security
3	Criminal Justice - Harsher Sentencing	Disproportionate punishment for individuals	Deterrence of crime, potential increase in overall safety
4	Environmental Law - Restrictions on Land Use	Limitations on individual property rights	Preservation of natural resources for future generations, promotion of ecological balance
5	Healthcare Law - Prioritization of Limited Resources	Potential denial of care for certain individuals	Maximization of benefits for the greatest number of patients

Table 2 provides a framework for understanding the compatibility of individual rights and utilitarian ethics in legal policy making. It highlights five key factors that influence the degree to which these two ethical perspectives can coexist and support each other; Nature of Right: The compatibility level is High. Fundamental rights, such as the right to life and bodily integrity, are generally compatible with utilitarianism. This is because upholding these rights contributes to long-term societal well-being and individual security, which aligns with the utilitarian goal of maximizing happiness; Severity of Harm: The compatibility level is moderate. Utilitarian policies that inflict significant harm on a minority group are less compatible with individual rights, even if they benefit the majority. This highlights the ethical tension between maximizing overall happiness and protecting the rights of vulnerable individuals; Scope of Harm: The compatibility level is moderate. Policies that have

widespread negative consequences for individuals are less compatible with individual rights, regardless of the potential benefits to the majority. This emphasizes that utilitarianism should not be pursued at the cost of widespread harm to individual liberties; Context of Policy: The compatibility level is high. Compatibility is higher when policies with utilitarian aims, such as public health measures, also incorporate mechanisms to protect individual rights. For example, mandatory vaccination programs that include exemptions or accommodations for individuals with legitimate medical concerns demonstrate a greater degree of compatibility; Long-Term vs. Short-Term: The compatibility level is high. Policies that prioritize long-term societal well-being, even if they come at the expense of short-term individual benefits, are more compatible with individual rights. This suggests that a long-term perspective can help reconcile potential conflicts between utilitarianism and individual rights.

Table 2. The compatibility of individual rights and utilitarian ethics in legal policy making.

Factor	Compatibility level	Description
Nature of Right	High	Fundamental rights (e.g., right to life, bodily integrity) are generally compatible with utilitarianism as they promote long-term societal well-being and individual security.
Severity of Harm	Moderate	Utilitarian policies that cause significant harm to a minority are less compatible with individual rights, even if they benefit the majority.
Scope of Harm	Moderate	Policies with widespread negative consequences for individuals are less compatible with individual rights, regardless of potential benefits to the majority.
Context of Policy	High	Compatibility is higher when policies with utilitarian aims (e.g., public health) also incorporate mechanisms to protect individual rights (e.g., informed consent).
Long-Term vs. Short-Term	High	Policies that prioritize long-term societal well-being, even at the expense of short-term individual benefits, are more compatible with individual rights.

Table 3 provides a comprehensive overview of how individual rights and utilitarian ethics interact within different legal policy areas. It highlights the specific legal policies, the individual rights considerations, the utilitarian considerations, and potential strategies for harmonizing these often-competing perspectives. Mandatory vaccination campaigns, while aimed at protecting public health (utilitarian goal), can potentially infringe on individual bodily autonomy. Harmonization strategies include public education campaigns to encourage voluntary vaccination and clear communication about the risks and benefits. Sentencing guidelines for repeat offenders, designed to deter crime and enhance public safety (utilitarian goals), must be balanced against the right to due process and protection against cruel and unusual punishment. Harmonization strategies include focusing on rehabilitation programs and alternatives to incarceration for non-violent offenses. Regulations on industrial pollution, aimed at protecting

environmental health and promoting sustainable development (utilitarian goals), can potentially limit individual property rights and economic freedom. Harmonization strategies include incentives for green technology adoption and community involvement in environmental decision-making. Surveillance programs to monitor potential threats, justified on the grounds of preventing terrorism and protecting national security (utilitarian goals), can infringe on the right to privacy and freedom of association. Harmonization strategies include transparency and oversight mechanisms for surveillance programs and narrowly tailored surveillance measures. Allocation of scarce medical resources, such as organ transplantation, aimed at maximizing the number of lives saved (utilitarian goal), must be balanced against the right to life and equal protection. Harmonization strategies include clear and objective criteria for resource allocation and public engagement in ethical decision-making.

Table 3. The analysis of philosophical texts and legal policies reveals a complex and nuanced relationship between individual rights and utilitarian ethics.

Area of Law	Specific Legal Policy	Individual Rights Considerations	Utilitarian Considerations	Potential Harmonization Strategies
Public Health	Mandatory vaccination campaigns	Bodily autonomy, Informed consent	Protecting public health, Herd immunity	Public education campaigns to promote voluntary vaccination, Clear communication of risks and benefits
Criminal Justice	Sentencing guidelines for repeat offenders	Right to due process, Protection against cruel and unusual punishment	Deterrence of crime, Public safety	Focus on rehabilitation programs, Alternatives to incarceration for non-violent offenses
Environmental Law	Regulations on industrial pollution	Right to use and enjoy property, Economic freedom	Protecting environmental health, Sustainable development	Incentives for green technology adoption, Community involvement in environmental decision-making
National Security	Surveillance programs to monitor potential threats	Right to privacy, Freedom of association	Preventing terrorism, National security	Transparency and oversight mechanisms for surveillance programs, Narrowly tailored surveillance measures
Healthcare Law	Allocation of scarce medical resources (e.g., organ transplantation)	Right to life, Equal protection	Maximizing the number of lives saved, Quality of life considerations	Clear and objective criteria for resource allocation, Public engagement in ethical decision-making

4. Discussion

This study delves into the complexities of balancing individual rights with the utilitarian pursuit of the "greater good." It challenges the conventional wisdom that these two concepts are inherently at odds, revealing a more nuanced relationship. The traditional view often presents individual rights and the greater good as locked in a zero-sum game, where promoting one necessitates sacrificing the other. This perspective, however, is an oversimplification that fails to recognize the potential for harmony and mutual support between these two essential aspects of a just society. Individual rights are the fundamental liberties and entitlements that protect individuals from undue encroachment by the state or other individuals. They serve as the cornerstone of a just society, ensuring that all individuals are treated with dignity, respect, and equality. The concept of the "greater good" is often associated with utilitarianism, a consequentialist

ethical theory that posits that actions should be judged based on their outcomes, specifically their impact on overall happiness or well-being. However, the notion of the greater good is not limited to utilitarianism and can encompass a broader range of values and considerations, such as social justice, environmental sustainability, and economic prosperity. The study challenges the conventional dichotomy that pits individual rights against the greater good, often portrayed as a zero-sum game where one must be sacrificed for the other. This simplistic view fails to capture the complexities and nuances revealed in our analysis. In certain contexts, such as public health initiatives, the pursuit of the greater good through measures like mandatory vaccination campaigns can align with the protection of individual rights by ensuring a healthy and safe society. Similarly, in the realm of environmental law, restrictions on land use for conservation purposes

may temporarily limit individual property rights but ultimately contribute to the long-term well-being of both individuals and the planet. In public health, the pursuit of the greater good can actually align with the protection of individual rights. For instance, mandatory vaccination campaigns, while potentially limiting individual autonomy, serve to protect public health by preventing the spread of disease. This, in turn, creates a healthier and safer society for all individuals, thereby upholding their right to health and well-being. Similarly, in environmental law, restrictions on land use for conservation purposes may temporarily limit individual property rights. However, such restrictions ultimately contribute to the long-term well-being of both individuals and the planet by preserving natural resources and promoting ecological balance. In this case, the temporary limitation of individual rights serves to protect the greater good in the long run. The study also acknowledges the potential for conflict between individual rights and utilitarian goals. In national security, for instance, surveillance programs aimed at preventing terrorism may infringe on individual privacy rights. This highlights the complex trade-off between collective security and individual liberties, a trade-off that requires careful consideration and constant recalibration. In the criminal justice system, harsher sentencing laws designed to deter crime may disproportionately impact certain individuals or groups, raising concerns about fairness and justice. While the utilitarian goal of deterring crime is important for public safety, it cannot come at the cost of violating individual rights to due process and equal treatment under the law. The study's findings challenge the notion that legal policy-making is a simple choice between individual rights and the greater good. Instead, it reveals a complex landscape where these two concepts can sometimes align and sometimes conflict, requiring policymakers to navigate these tensions with nuance and careful consideration. The key takeaway is that individual rights and the greater good are not mutually exclusive. By recognizing the complexities and seeking harmonization strategies, policymakers can create a more just and equitable society that both protects individual liberties and promotes the well-being of all its members. Public education campaigns to promote

voluntary compliance with public health measures. Exploring alternatives to incarceration for non-violent offenses to reduce the impact on individual rights while maintaining public safety. Providing incentives for green technology adoption to balance environmental protection with economic interests. Implementing transparency and oversight mechanisms for surveillance programs to protect privacy while ensuring national security. Establishing clear and objective criteria for allocating scarce healthcare resources to balance efficiency with fairness.^{11,12}

This study underscores the critical need for a nuanced approach to legal policy-making that acknowledges the complexities and context-specific nature of balancing individual rights and utilitarian ethics. There is no one-size-fits-all solution, and policymakers must carefully consider the specific circumstances of each policy area, weighing the potential benefits of maximizing overall happiness against the imperative of protecting fundamental rights. The study highlights the importance of incorporating individual rights considerations into utilitarian calculations. This means not just focusing on the potential benefits of a policy for the majority but also assessing its potential impact on individual liberties. By doing so, policymakers can avoid justifying actions that would cause significant harm to a minority, even if such actions might lead to a net increase in overall happiness. Moreover, the study emphasizes the need for ongoing dialogue and engagement between proponents of individual rights and utilitarianism. By fostering mutual understanding and respect, policymakers can create a more inclusive and collaborative environment for policy-making. This can lead to the development of legal policies that are more responsive to the needs and concerns of all members of society. The specific context of a legal policy plays a crucial role in determining how individual rights and utilitarian ethics interact. For example, in public health emergencies, the need to protect public health may take precedence over certain individual liberties, such as the freedom of movement. However, even in such circumstances, policymakers must strive to minimize the infringement on individual rights and ensure that any restrictions are proportionate to the risk posed by the emergency.

Balancing individual rights and utilitarian ethics often involves weighing competing interests. For example, in the criminal justice system, the desire to deter crime and protect public safety must be balanced against the rights of the accused, such as the right to a fair trial and the right to be free from cruel and unusual punishment. Policymakers must carefully consider these competing interests and strive to find solutions that both promote public safety and protect individual rights. The balance between individual rights and utilitarian ethics is not static but dynamic. It evolves over time in response to changing societal values, technological advancements, and new challenges. Policymakers must remain vigilant and adaptable, constantly reassessing the balance and making adjustments as needed to ensure that legal policies remain both just and effective. Public discourse plays a vital role in shaping the balance between individual rights and utilitarian ethics. Open and informed debate about the values and priorities that should guide legal policy-making is essential for ensuring that the balance reflects the will of the people. Judicial review serves as a critical check on the balance between individual rights and utilitarian ethics. Courts play an important role in ensuring that legal policies do not unduly infringe on fundamental rights and that the pursuit of the greater good does not come at the expense of individual liberties.^{13,14}

In public health, education campaigns can play a crucial role in promoting voluntary vaccination, addressing concerns about bodily autonomy while still striving for herd immunity. By providing clear and accurate information about the benefits and risks of vaccination, policymakers can empower individuals to make informed choices that protect both their own health and the health of the community. Public education is a cornerstone of public health initiatives. It serves to inform and empower individuals to make healthy choices and protect themselves from preventable diseases. In the context of vaccination, public education can address vaccine hesitancy and misinformation, promoting voluntary vaccination while respecting individual autonomy. Education campaigns can help individuals understand the importance of vaccination for their own health and the health of the community. By providing clear and factual information about how vaccines work, their

safety profile, and the risks of vaccine-preventable diseases, policymakers can help individuals make informed decisions about vaccination. Public education can also address concerns about bodily autonomy by emphasizing that vaccination is ultimately a voluntary choice. However, it is important to highlight the potential consequences of not vaccinating, both for individuals and for the community. By presenting balanced information, policymakers can encourage individuals to make responsible choices that protect public health without infringing on their autonomy. Herd immunity is a state where a sufficient proportion of the population is immune to a disease, making it difficult for the disease to spread. Vaccination is a key tool for achieving herd immunity. Public education can help explain the concept of herd immunity and its importance in protecting vulnerable populations, such as the elderly and immunocompromised individuals. When individuals make informed choices about vaccination, they not only protect themselves but also contribute to the health of the community. Informed choices lead to higher vaccination rates, which in turn reduce the incidence of vaccine-preventable diseases and protect vulnerable populations. In criminal justice, exploring alternatives to incarceration for non-violent offenses can help balance the goals of deterrence and public safety with the protection of individual rights. By offering rehabilitation programs, community service, and other alternatives, policymakers can reduce the reliance on incarceration, which often has disproportionate negative impacts on individuals and communities. Incarceration, while a necessary tool for punishing serious crimes and protecting public safety, has significant limitations. It can be costly, disrupt families and communities, and often fails to address the root causes of criminal behavior. Moreover, incarceration can have disproportionate negative impacts on certain individuals and groups, particularly those from marginalized communities.⁸ Alternative approaches to incarceration offer a more nuanced and effective approach to criminal justice. These approaches focus on rehabilitation, restorative justice, and community-based sanctions, aiming to address the underlying causes of criminal behavior and reduce recidivism while protecting individual rights. Rehabilitation programs provide individuals

with the tools and support they need to address the underlying causes of their criminal behavior and reintegrate into society. These programs may include substance abuse treatment, mental health counseling, job training, and educational opportunities. Community service allows individuals to give back to the community while also fulfilling their legal obligations. It can provide a sense of purpose and responsibility, helping individuals to develop pro-social behaviors and avoid future criminal activity. Restorative justice focuses on repairing the harm caused by crime and bringing together victims, offenders, and the community to find solutions. This approach can promote healing, accountability, and reconciliation, fostering a sense of community and reducing the likelihood of future offenses. Other alternatives to incarceration include fines, restitution, electronic monitoring, and house arrest. These alternatives can provide a range of sanctions that are proportionate to the offense and the individual's circumstances, while also protecting individual rights and promoting public safety. Reduced reliance on incarceration, which can save money, reduce prison overcrowding, and minimize the negative impacts on individuals and communities. Increased focus on rehabilitation, which can address the root causes of criminal behavior and reduce recidivism. Promotion of restorative justice, which can foster healing, accountability, and reconciliation. Greater flexibility in sentencing, allowing for sanctions that are proportionate to the offense and the individual's circumstances. In environmental law, providing incentives for green technology adoption and involving communities in environmental decision-making helps balance conservation goals with individual economic interests. By encouraging sustainable practices through incentives and fostering community participation, policymakers can create a more collaborative and effective approach to environmental protection. Incentives play a crucial role in encouraging the adoption of green technologies and sustainable practices. These incentives can take many forms, such as tax breaks, subsidies, grants, and rebates. By reducing the costs associated with green technologies, policymakers can make them more attractive to businesses and individuals, accelerating their adoption and promoting environmental

sustainability. Reducing taxes for businesses and individuals that adopt green technologies or implement sustainable practices. Providing direct financial assistance to support the development and deployment of green technologies. Offering funding for research and development of innovative green technologies. Providing cash refunds to consumers who purchase energy-efficient appliances or make their homes more energy-efficient. Community involvement is essential for the success of environmental policies. By involving communities in environmental decision-making, policymakers can ensure that policies are responsive to local needs and concerns. This can lead to greater acceptance and support for environmental initiatives, promoting their effectiveness. Communities possess valuable insights into local environmental challenges and potential solutions. Community involvement can hold policymakers accountable for environmental decisions. Policies developed with community input are more likely to be perceived as legitimate and fair. Communities can play an active role in monitoring and enforcing environmental regulations. By combining incentives with community involvement, policymakers can create a more collaborative and effective approach to environmental protection. This approach recognizes the interconnectedness of economic, social, and environmental concerns, promoting sustainable development that benefits both people and the planet. Involving communities in the development and ownership of renewable energy projects, such as wind farms and solar installations. Working with communities to design and implement green infrastructure projects, such as green roofs, rain gardens, and permeable pavements. Partnering with farmers and communities to promote sustainable agriculture practices, such as crop rotation, cover cropping, and integrated pest management. In national security, ensuring transparency and oversight mechanisms for surveillance programs can help protect privacy rights while still allowing for necessary security measures. By establishing clear guidelines for surveillance activities and ensuring independent oversight, policymakers can strike a balance between national security concerns and individual liberties. In the digital age, the rapid advancement of technology has created new

challenges for balancing national security concerns with individual privacy rights. Surveillance technologies have become increasingly sophisticated, allowing governments to collect and analyze vast amounts of data about their citizens. While these technologies can be valuable tools for preventing terrorism and protecting national security, they also raise concerns about potential abuses and the erosion of privacy. Transparency is essential for ensuring that surveillance programs are used responsibly and accountably. By providing clear and accessible information about surveillance activities, policymakers can help to build public trust and ensure that these programs are subject to democratic scrutiny. Establishing clear legal guidelines for surveillance activities, specifying the types of data that can be collected, the purposes for which it can be used, and the safeguards in place to protect privacy. Regularly publishing reports on surveillance activities, including the number of warrants issued, the number of individuals targeted, and the types of data collected. Establishing independent oversight bodies to review surveillance activities and ensure compliance with legal and ethical standards. Oversight mechanisms play a crucial role in safeguarding privacy and preventing abuses of surveillance powers. Independent oversight bodies, such as courts, legislatures, and ombudsmen, can provide external scrutiny of surveillance activities, ensuring that they are conducted in accordance with the law and respect individual rights. Independent oversight can hold government agencies accountable for their surveillance activities. Independent oversight can help to build public trust in surveillance programs by ensuring that they are subject to external scrutiny. Independent oversight can help to identify and address potential abuses of surveillance powers before they become widespread. Transparency and oversight are essential for striking a balance between national security concerns and individual liberties in the digital age. By establishing clear guidelines for surveillance activities and ensuring independent oversight, policymakers can help to protect privacy rights while still allowing for necessary security measures. In healthcare law, establishing clear and objective criteria for resource allocation and engaging the public in ethical decision-making can help balance utilitarian

considerations with respect for individual needs. By ensuring transparency and accountability in healthcare decision-making, policymakers can promote fairness and equity in the allocation of scarce resources. Healthcare systems worldwide face the challenge of allocating scarce resources, such as organs for transplantation, hospital beds during emergencies, and expensive treatments. These allocation decisions often involve complex ethical considerations, balancing the utilitarian goal of maximizing benefits for the greatest number of patients with the imperative of protecting individual rights and promoting fairness. Establishing clear and objective criteria for resource allocation is essential for promoting fairness and transparency in healthcare decision-making. These criteria should be based on medical need, the likelihood of benefit, and the efficient use of resources. By ensuring that allocation decisions are based on objective criteria, policymakers can minimize bias and promote equitable access to healthcare. Prioritizing patients with the most urgent medical needs, such as those in life-threatening situations. Allocating resources to patients who are most likely to benefit from the treatment or intervention. Using waiting lists to allocate resources based on the length of time patients have been waiting for treatment. Considering age as a factor in allocation decisions, prioritizing younger patients who have a longer life expectancy. Public engagement plays a crucial role in ensuring that healthcare allocation decisions are aligned with societal values and ethical principles. By engaging the public in discussions about resource allocation, policymakers can gain valuable insights into public perspectives and concerns. This can help to build public trust and ensure that allocation decisions are perceived as legitimate and fair. Public engagement can enhance the legitimacy of healthcare allocation decisions by ensuring that they reflect societal values. Public engagement can hold policymakers accountable for resource allocation decisions. Public engagement can build public trust in the healthcare system by promoting transparency and inclusivity. By establishing clear and objective criteria for resource allocation and engaging the public in ethical decision-making, policymakers can promote fairness and equity in the allocation of scarce healthcare resources. This

approach balances utilitarian considerations with respect for individual needs, ensuring that healthcare decisions are both effective and just.¹⁵⁻¹⁸

The findings of this study have profound implications for legal policy-making. They call for a paradigm shift, moving away from the simplistic dichotomy of individual rights vs. the greater good towards a more nuanced and integrated approach. Policymakers must recognize that individual rights are not merely obstacles to be overcome in the pursuit of the greater good, but rather essential components of a just and equitable society. By incorporating individual rights considerations into utilitarian calculations, policymakers can create legal frameworks that both maximize overall well-being and protect fundamental freedoms. The study also highlights the importance of context, balance, and harmonization strategies in legal policy-making. Policymakers must carefully consider the specific circumstances of each policy area, weighing the potential benefits of maximizing overall happiness against the imperative of protecting individual rights. By embracing nuance and seeking harmonization, policymakers can bridge the divide between these two ethical perspectives and create a more just and equitable society for all. The traditional view of legal policy-making often presents a dichotomy between individual rights and the greater good, suggesting that promoting one necessitates sacrificing the other. However, this study challenges this simplistic view, revealing a more complex and nuanced relationship. Individual rights and the greater good are not mutually exclusive. In fact, they can be mutually reinforcing. Protecting individual rights can contribute to the greater good by promoting social stability, trust, and cooperation. Conversely, pursuing the greater good can help to protect individual rights by creating a society where everyone feels safe and secure. The key to effective legal policy-making lies in recognizing the complexities of the relationship between individual rights and the greater good. Policymakers must carefully consider the specific context of each policy area, weighing the potential benefits of maximizing overall happiness against the imperative of protecting individual rights. In some cases, it may be necessary to temporarily limit certain individual rights to protect the greater good. For example, during a public health emergency, it may be necessary to restrict freedom of

movement to prevent the spread of disease. However, even in such circumstances, policymakers must ensure that any limitations on individual rights are proportionate to the risk posed and are subject to appropriate safeguards.^{19,20}

5. Conclusion

In conclusion, the compatibility of individual rights and utilitarian ethics in legal policy-making is a complex and nuanced issue that requires careful consideration of the specific context and the potential for conflict and reconciliation. The "Greatest Happiness Principle," which underpins utilitarianism, can be interpreted in ways that accommodate and even support individual rights. For instance, the recognition of certain basic rights can be seen as essential for maximizing long-term societal well-being. Policymakers must balance the potential benefits of maximizing overall happiness with the imperative of protecting fundamental rights. The study's findings challenge the notion that legal policy-making is a simple choice between individual rights and the greater good. Instead, it reveals a complex landscape where these two concepts can sometimes align and sometimes conflict, requiring policymakers to navigate these tensions with nuance and careful consideration.

The key takeaway is that individual rights and the greater good are not mutually exclusive. By recognizing the complexities and seeking harmonization strategies, policymakers can create a more just and equitable society that both protects individual liberties and promotes the well-being of all its members. Further research could explore the compatibility of individual rights and utilitarian ethics in specific areas of law, such as healthcare, environmental law, and criminal justice. It could also examine the role of public discourse and judicial review in shaping the balance between individual rights and utilitarian ethics.

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