

PROCEDURAL JUSTICE, TRUTHFULNESS AND RIGHTNESS

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Abstract: The aim of this work is not to support the idea of the existence of procedural justice, advocated by the best known proponents of the existence of procedural justice (J. Rawls and O. Höffe, and then by L. Fuller, H. Hart, R. Dworkin, P. Koller, M. Van den Bos and others), but to consider procedural justice from the angle of truthfulness and rightness. Since it is not about the same but related concepts, it is rendered possible to conclude that truthfulness and rightness are incongruent, in the same way as justice and the law are incongruent. Something that is truthful does not need to be righteous. And vice versa, something that is righteous does not need to be truthful. Obviously, it has to do with the relationship between the goal (truthfulness, justice and fairness) and means (properness, correctness, preciseness, reliability, etc. in a word, solidity). The consideration of the relationship of truthfulness and rightness in the example of the actually existing justice and the actually non-existent procedural justice, gives rise to further important questions: the relationship of material (substantive) and formal (procedural) legal rules, fairness as the meeting place of justice, the law and procedure, etc. In a yet deeper shadow lies the question of the relationship between natural law and positive law. It can be concluded that procedural justice does not exist. But, justice exists, only it is not procedural, which neither is fairness. Procedure is the only righteous means of the law, but the law is not the only righteous means of justice.

Keywords: justice, fairness, truthfulness, rightness, procedural law, procedural justice.

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