

## Original Article

# Uncovering the Meaning of Judicial Power as a Legal Goal in The Maqasid Syari'ah Perspective

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## Abstract

*The meaning of judicial power as a discourse in every discussion is always linked to the natural law theory pioneered by Thomas Aquinas. However, this natural law theory, which emphasizes the discourse of judges as representatives of God from a practical perspective, needs to be elaborated to foster understanding in legal practice. The appreciation of carrying out this task is very important, because the word judge (hakim, Indonesian) is taken from the word Al Hakiim (Arabic), one of the 99 names of Allah in Asmaul Husna which means the Most Wise. This study, therefore, presents the idea of Maqasid Syariah which contains the meaning of wisdom as a methodology in implementing the concept of judicial power. This research uses normative legal research methods with a hermeneutical approach. This research resulted in the conclusion that the responsibility of implementing the concept of judicial power for a judge in order to produce just laws requires the participation of conscience as a fatwa provider regarding what is right and wrong, in addition to reason. The Maqasid Syariah approach in the context of interpreting judicial power in this research recommends that it is important for policy makers to take steps that are in line with efforts to maintain the mind, religion, soul, lineage and assets of judges in order to maintain their independence in carrying out their duties.*

**Keywords:** Judges; Judicial Power; Legal; Maqasid Syari'ah

## Introduction

Judicial power as independent power to administer justice in order to uphold law and justice is contained in the 1945 Constitution of the Republic of Indonesia. The discourse of independent power aims to form clean behavior in the sense that it cannot be influenced by anything, whether personal, institutional or material power, so as to produce an objective, honest, fair and wise attitude in behavior and in the duties of its implementers.<sup>1</sup> In the order of social life, the exercise of independent and impartial judicial power is something that absolutely must exist because it is a prerequisite for realizing the ideals of a legal state and is a guarantee for the upholding of law and justice.<sup>2</sup>

Independent and impartial judicial power as an absolute thing must of course be interpreted as the exercise of judicial power which is based on the values of truth and justice. Furthermore, in an effort to realize the values of truth and justice, Law Number 48 of 2009 confirms that "Judicial conduct is carried out for the sake of justice based on the Almighty Godhead. This norm is the basis for the formation of law for judges which is confirmed through the head of the decision that reads "For the sake of justice based on the Almighty Godhead". writing "For the sake of justice based on

<sup>1</sup> Hasbi Umar and others, 'Pendekatan Maqasid Al -Syariah Dalam Studi Hukum Islam', *Jurnal Inovasi Hukum Dan Kebijakan*, 6.4 (2025) <<https://ejournals.com/ojs/index.php/jihk/article/view/3663>> [accessed 4 March 2026].

<sup>2</sup> M. Khusnul Khuluq, 'Putusan Majelis Hakim Tentang Nafkah 'iddah Dan Mut'ah Yang Berkeadilan Dalam Perspektif Maqashid Al-Shari'ah Jasser Auda', 2025 <<https://dspace.uui.ac.id/handle/123456789/55036>> [accessed 4 March 2026].



belief in the Almighty God" in its implementation gives rise to consequences for a servant's bearing of divine law to his God, which is not just a mere formality.<sup>3</sup>

The existence of Godly norms which are so important in carrying out the duties of a judge, gives a sense of concern when in reality cases of legal violations committed by judges in the period 2010 to 2024 rank highest compared to other law enforcement officials, namely prosecutors, lawyers and police in terms of being perpetrators of criminal acts of corruption. Based on data from the Corruption Eradication Commission, in this period the agency handled 31 judges who were involved in corruption, more than 12 prosecutors, 5 police officers and 18 lawyers. This data does not include actions taken by the Attorney General's Office. In the period from 2024 to April 2025, there were eight judges who were named suspects and detained by Attorney General investigators in corruption cases.<sup>4</sup> Based on data, this study wants to reflect on the duties of judges who are steeped in Godly values as a form of learning for a better future of law enforcement in Indonesia.

The element of BELIEF in the One and Only God lies at the top of the Pancasila First Principle legal state order. This value is bound up in the constitution, Article 29 of the 1945 Constitution of the Republic of Indonesia, which basically confirms that the State is based on One Almighty God. The establishment of the value of Belief in the Almighty God as one of the principles in the foundation of the Republic of Indonesia, according to Delfina Gusman and Sri Arnetti, cannot be separated from the journey or history of life of the Indonesian people who adhere to religious values as a guide in living and living.<sup>5</sup> Continuing their preposition, Delfina Gusman and Sri Arnetti asked questions related to legal ideals, what kind of legal ideals are contained in the value of belief in the Almighty God, giving rise to the legal concept that law has belief in the Almighty God?

In order to answer this question, the theory of natural law developed by Thomas Aquinas can be used as a starting point for exploring the ideals of law in question. In the Middle Ages, Thomas Aquinas pioneered a redefinition of the concept of natural law by relying on God's law based on the moral teachings of Christianity. The existence of law, therefore, should function to support moral life in the world. In that era, religious teachings (which were pioneered by Christianity) were quite dominant so that moral life referred to the standards of Christianity; an example is pursue goodness and stay away from evil.<sup>6</sup>

The theological concepts put forward by Aquinas regarding God's law and will, general principles (natural law), God's law in the holy books and man-made laws are in accordance with natural nature. What Aquinas said is actually inherent to the concepts of Islam and Judaism, because these three religions have the same ancestor. The existence of harmony regarding natural law in Christian, Islamic and Jewish teachings is because all three are revealed religions or Samawi religions which historically come from the same family, namely from Allah as God and whose teachings were revealed through the intermediary of the Prophets and Apostles. In the Islamic perspective, those who are Christians and Jews are called people of the book, in the sense that they only believe in their book but do not believe in the holy Koran.<sup>7</sup>

However, in connection with this study, the author focuses the discussion on the teachings of the Islamic religion. The meeting point between the law systematized by Aquinas and Islamic teachings, namely reason, will be elaborated from the perspective of the Islamic religion based on the propositions of aqli (reason) itself and the propositions of naqli, namely propositions originating from authoritative texts, in this case the holy books of the *Koran* and *Hadith*. There are several basic

<sup>3</sup> Azhar Azhar, 'Pembaharuan Hukum Islam Dalam KHI Melalui Analisis Maqashid Al- Syari'ah', *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum*, 16.1 (2018), 25 <<https://doi.org/10.32694/010470>>.

<sup>4</sup> Mitha Mahdalena Efendi, 'Reinterpretasi Kata Qiwwamah Dalam Al-Qur'an Surah Al-Nisa': 34 Perspektif Contextual Approach Abdullah Saeed', *KACA (Karunia Cahaya Allah): Jurnal Dialogis Ilmu Ushuluddin*, 10.2 (2020), 196–207 <<https://doi.org/10.36781/kaca.v10i2.3126>>.

<sup>5</sup> Sumardi Efendi, 'Analisis Sanksi Pidana Dalam Hukum Islam Pendekatan Teoritis Dan Pustaka', *MAQASIDI: Jurnal Syariah Dan Hukum*, 2024, 151–62 <<https://doi.org/10.47498/maqasidi.v3i2.3524>>.

<sup>6</sup> Ramdan Wagianto and others, 'Dispensasi Kawin, Keadilan Gender, Dan The Best Interest Of Child : Analisis Relasi Kuasa Dalam Pertimbangan Hakim', *Al-Qadlaha: Jurnal Hukum Keluarga Islam*, 5.01 (2025), 11–23 <<https://www.ejournal.stismu.ac.id/index.php/alqadlaha/article/view/2583>> [accessed 4 March 2026].

<sup>7</sup> Moh. Akib, 'The Integration of Sanad in the Contextual Interpretation of the Qur'an: A Maqasid-Based Perspective: (Integrasi Sanad Dalam Penafsiran Kontekstual Al-Qur'an: Sebuah Perspektif Berbasis Maqasid)', *Al Muhafidz: Jurnal Ilmu Al-Qur'an Dan Tafsir*, 5.2 (2025), 234–50 <<https://doi.org/10.57163/almuhafidz.v5i2.190>>.



considerations in relation to the Islamic religion which are used as a perspective in the discussion of this study, namely because the Islamic religion establishes reason as something that must be preserved. This is reinforced by the argument in the Koran, Surah An Nisa, verse 29 :

”وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا“

“And do not kill yourselves; indeed, Allah is merciful to you”. This verse can be interpreted as a prohibition against doing things that can damage the mind and body, including consuming khamar (something intoxicating) either alcohol or illegal drugs which can interfere with the loss of mind.

Even though Islam places reason as something that must be preserved, Islam also stipulates that reason must submit to Allah's rules (Sunatullah) which cannot be reached by reason. Therefore, to understand God's decrees, Prophets and Apostles were sent, so that humans would be guided in seeing things that cannot be reached by reason. Based on the explanation presented, this study asks two questions to be answered, namely, what is the relationship between the concept of judicial power which is based on the principle of the Almighty God, the Reason and the teachings of the Islamic religion? Next, what is the essence of the concept of judicial power which bases justice on the Almighty God as a legal goal in the perspective of *maqashid sharia*?

## Method

This study is normative legal research, namely legal research that uses norms as objects and/or parameters to test the validity of truth. The truth used in legal research is the truth of coherence where the measure of truth is based on the coherence between behavior and legal norms and ultimately legal norms and legal principles. In this study, arguments are built to find coherence between legal norms and legal principles based on the flow of natural law, natural law with tawhid (there is no god but Allah) and ultimately tawhid and maqashid sharia. The distinctive characteristic of normative legal research lies in its aim, namely to provide a prescription or provide an overview of something that should or should be. In relation to this research, the resulting prescription aims to harmonize the behavior of judicial authorities with legal norms and ultimately legal norms with Divine Law. This normative legal research uses a hermeneutical approach, which can generally be interpreted as interpretation. Through a hermeneutical approach, we interpret the provisions in Law Number 48 of 2009 concerning Judicial Power as the basis for the duties of judges with the concept of divine law which is elaborated using the concept of *Maqashid Syariah*.

## Results and Discussions

### ***At a Glance About Legal Responsibilities Duties of Judicial Power Based on the Judicial Power Law***

The study of the Almighty God in relation to judicial power is very relevant to Islamic theology because the core of Islamic teachings stems from Tawhid, namely the science that teaches about the Oneness of God. Understanding the implementation of a judge's duties as an adjudicating party is very crucial because in terms of terms alone, the word judge (*hakim*, Indonesian) has a correlation with one of the 99 attributes of Allah in Asmaul Husna, namely *al-hakim* (the most wise). Therefore, the judge's profession is often referred to as God's representative on earth.<sup>8</sup>

The existence of the norm of the one and the only God for a judge, gives rise to two forms of consequences in the context of carrying out the law. First, carrying out the law based on the norms of the one and only God is part of a judge's responsibility as a citizen. Failure to comply with this responsibility, which ignores these values in the judicial process, has the potential to cause unrest in society, triggering disorder. The provisions that specifically regulate legal violations committed by judges related to the use of their authority are in Article 6 paragraph (2) of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes with a minimum sentence of 3 years and a maximum of five years and a fine of at least IDR 150,000,000 and a maximum of IDR 750,000,000.

Secondly, carrying out the law in the name of God is the responsibility of the human person to the creator. On this side, the aspect of carrying the law that is more emphasized is inner responsibility

<sup>8</sup> Warsidi Warsidi, Sami Ullah Khan, and Suhartono, 'Implementasi Maqāshid Al-Syarī'ah Dalam Pertimbangan Hakim Pada Sengketa Ekonomi Syariah', *Maqasid: Jurnal Studi Hukum Islam*, 14.3 (2025), 350–59 <<https://doi.org/10.30651/MQSD.V14I3.28691>>.



to God as something sacred.<sup>9</sup> Even though it is transcendental in nature, positive law provides reinforcement through internal supervision by the Supreme Court and external supervision by the Judicial Commission as stated in Articles 39 and 40 of Law Number 48 of 2009 concerning Judicial Power. These provisions are an implementation of Articles 24, 24A and 24B of the 1945 Constitution which regulate the Supreme Court and the Judicial Commission. Furthermore, based on these provisions, the Supreme Court together with the Judicial Commission prepared a code of Ethics and Behavior for Judges which was contained in the Joint Decree of the KMA and the Chairman of the KY No: 047/KMA/SKB/IV/2009 and 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Guidelines for Judges' Behavior, and has been in effect since April 8 2009.

The basic principles set out in the Code of Ethics and Code of Conduct for Judges are implemented in 10 (ten) rules of conduct as follows: (1) Behave Fairly, (2) Behave Honestly, (3) Behave Wisely, (4) Behave Independently, (5) Have High Integrity, (6) Be Responsible, (7) Uphold High Self-Esteem, (8) Have High Discipline, (9) Behave Humbly, (10) Be professional. As a strengthening of the implementation of this code of ethics, in 2012 another Joint Regulation was issued between the Supreme Court and the Judicial Commission Number 02/PB/MA/IX/2012 and Number 02/PB/P. KY/09/2012 concerning Guidelines for Enforcement of the Code of Ethics and Behavior of Judges.<sup>10</sup>

Regulation of the implementation of the duties and responsibilities of judges up to the level of enforcing their code of ethics a contrario constitutes state protection because they are bound by a social contract to protect human rights. On the other hand, strengthening various regulations in the implementation of judges' duties is a state effort based on the constitution in order to realize just legal certainty. However, according to Barder Johan Nasution, various answers to questions about the measure of justice are never or rarely satisfactory so that they continue to be debated, ultimately encouraging many groups to take shortcuts by leaving the formulation of justice to legislators and judges who will formulate it based on their own considerations.<sup>11</sup>

What needs to be remembered is that the considerations formulated by the judge must still be based on the principle of Justice Based on Belief in One Almighty God, in line with Article 2 paragraph (1) of Law Number 48 of 2009. Understanding and implementing the principle of Justice Based on Belief in One Almighty God is not an easy thing. This is at least due to internal factors, including the lack of a fixed and consistent method for directing judges' behavior so that they always adhere to these principles. <sup>12</sup>Next, external factors, which according to the author have a correlation with Sudjito's thoughts which state that there are problems in legal science, especially in the rejection of all matters of a theological and metaphysical nature, where culture or social values are very closely linked to divine aspects. Religious law is law that comes directly from God, which in its development is increasingly marginalized because the individualist, liberalist, materialist and hedonistic character of state law is increasingly dominant and hegemonic.

### ***Uncovering the Meaning of Judicial Power Based on the Maqashid Syariah Perspective***

Imperfections in implementing the concept of judicial power are primarily caused by failure to explore the meaning of the judge himself. As has been mentioned, judge (hakim in Indonesian) comes from the word hakim in Arabic which means a person who decides legal cases, and *Al-Hakim* are one of the attributes of Allah (in Arabic, meaning the most wise). Both Hakim and *Al-Hakim* are taken from the word hikmah which means wisdom. The word hikmah (wisdom) actually has the same meaning as maqashid *al syaria*. *Maqashid* linguistically is the plural form of "*Maqshad*" which means aim, purpose or target. Maqashid Syariah refers to the aims, objectives or targets of sharia. *Alshari'ah* originally referred to the meaning of water flowing from a source, and was later used to

<sup>9</sup> Syamsul Fatoni and others, 'Asas Proporsionalitas: Perspektif Hukum Positif Dan Maqosid Syariah Dalam Sistem Peradilan Pidana', *Jurnal Hukum IUS QUILA IUSTUM*, 32.1 (2025), 46–71 <<https://doi.org/10.20885/iustum.vol32.iss1.art3>>.

<sup>10</sup> Wahdiny Alindra 'afwany and Abid Rohmanu, 'Perubahan Pengaturan Masa Jabatan Hakim Konstitusi Dan Implikasinya Perspektif Pendekatan Sistem Jasser Auda', *El-Dusturie*, 4.1 (2025), 64–80 <<https://doi.org/10.21154/eldusturie.v4i1.10853>>.

<sup>11</sup> Kritik Maqashid Syari and others, 'Kritik Maqashid Syari'ah Terhadap Syarat Berpisah Selama Enam Bulan Dalam Perceraian', *JURNAL USM LAW REVIEW*, 8.3 (2025), 1292–1311 <<https://doi.org/10.26623/julr.v8i3.12187>>.

<sup>12</sup> Vicry Abdul Rohim, Yusdi Haq, and Muhammad Abdurrahman Hanif, 'Tinjauan Kritis Penundaan Perceraian Selama 6 Bulan Berdasarkan SEMA No. 3 Tahun 2023 Dalam Perspektif Maqasid Syariah : Studi Kasus Putusan Pengadilan Agama No. 101/Pdt.G/2024/PA.Jr', *Al-Ushariyah: Jurnal Hukum Keluarga Islam*, 3.3 (2025), 409–30 <<https://doi.org/10.37397/AL-USARIYAH.V3I3.862>>.



express the need of all living things for water.<sup>13</sup> The presence of water is very crucial and is a basic need in life, so to fulfill this need we need a method or method called "*al-shiri'ah*", which has a similar meaning to "*al-shar*" and "*al-shariah*" which refer to the religious teachings of *Allah Subhanahu wata'ala*.

If "*Maqashid*" and "*Al Shariah*" are combined, they will obtain a generally similar meaning even though there are differences of opinion in the use of the word and its development. In this context, *maqashid al sharia* can be interpreted as the final goal or actual results to be achieved by establishing law for humans. Meanwhile, according to another definition, "*maqashid al-syariah*" reflects the final goals, secrets, values, norms and meanings contained in legal enactments. *Maqashid sharia* stands on the basic elements known as *ushul al khamsah* as basic needs that must be maintained.<sup>14</sup> These five elements include elements of religion, soul, reason, heredity and property. To understand more deeply the five main elements, the explanation is as follows:

In religion there are teachings that cover aspects such as belief (*Aqidah*), worship, and the laws established by Allah for humans. These aspects are explained in the framework of the pillars of faith and the pillars of Islam. In Islamic teachings, the maintenance of religion begins with understanding that the purpose of human creation is to worship as Allah says in the Qur'an Surah Azzariyat verse 56 which reads:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

"I did not create Jinn and humans, except to worship Me".

However, in Surah Al Mulk verse 2, it is explained that Allah will test which of his servants has better deeds and worship (*Ihsan*). The meaning of *ihsan* is explained in *Hadith Ar Ba'in* (Hadith 40) Number 2 where the Prophet Muhammad said "*Ihsan* is that you worship Allah as if you see Him, if you don't see Him, actually He sees you. If this approach is truly implemented in the judicial work environment firmly (*istiqamah*), it will create a truly high and well-systemized moral awareness. With all their awareness, each individual will feel more like he is a human being and not a machine that must obey orders but does not have internal moral awareness. Of course, a judge must protect religion. Because as has been stated, the considerations formulated by the judge must still be based on the principle of Justice Based on Belief in One Almighty God, and this obligation is bound by Law Number 48 of 2009 concerning Judicial Power Article 2 paragraph (1). By embodying the legal norms contained in these provisions, the transcendental obligation of a judge to maintain religion will eventually shift into a personal need to provide reinforcement for the implementation of his duties.<sup>15</sup>

In an effort to safeguard human life and ensure continuity, Islam instructs the fulfillment of basic needs, such as food, drink, clothing and shelter. Apart from that, the laws of *al-qisas* (appropriate punishment), *al-diyah* (fines) and *al kaffarah* (ransom) are also applied to those who commit acts of violence against the lives of others. Food is an important element in efforts to maintain the soul. Food is so vital for human survival that it is part of basic needs (*ad-daruriyah*). At the level of supporting needs (*ak-hajiyah*) humans need food regularly, and in the context of supporting needs (*at-tahsiniyah*), modern technology and attention to nutrition become an important part. The care of the soul in this context is related to the implementation of judicial duties, because good body quality will of course produce good soul quality so that it is hoped that it will produce fair legal decisions.<sup>16</sup>

Islam is a perfect religion, so that reason is truly placed in its true place. Humans are not obliged to carry out the Shari'a such as prayer, fasting and wearing the hijab for women, unless they have perfected their minds, namely when they have entered the puberty phase. The place of reason is in deciding what is right and wrong or good and bad in the chest (in the conscience), while reason in the sense of responding is located in the brain or in the mind. This is in accordance with the Hadith narrated by Imam Ahmad Number 17545 "*Istajfi Qalbak*" (ask your heart for a fatwa). In more detail, the following quote from the Hadith: "O Wabishah, ask your heart for a fatwa (3x), because kindness

<sup>13</sup> I Gede Sujana and others, 'Keterbatasan Komisi Yudisial Dalam Menjalankan Tugas Dan Kewenangan Berdasarkan Undang-Undang Dasar 1945', *IJOLARES: Indonesian Journal of Law Research*, 3.1 (2025), 11–17 <<https://doi.org/10.60153/ijolares.v3i1.108>>.

<sup>14</sup> Farid Nur Isjayanto and Nurimansyah Setivia Bakti, 'Kewenangan Komisi Yudisial (Studi Perbandingan Komisi Yudisial Republik Indonesia Dan Consiglio Superiore Della Magistratura, Italia)', *Islamic Law: Jurnal Sijayah*, 10.1 (2025), 48–65 <<https://doi.org/10.53429/iljs.v10i1.1450>>.

<sup>15</sup> Rizka Arsita Amalia, 'Implementasi Peraturan Bupati Tabalong Nomor 46 Tahun 2020 Tentang Pencegahan Perkawinan Anak Perspektif Maqashid Syariah', 2025 <<https://dspace.uir.ac.id/handle/123456789/55053>> [accessed 4 March 2026].

<sup>16</sup> Beranda Jurnal and others, 'Tumpang Tindih Fungsi Pengawasan Komisi Yudisial Dan Mahkamah Agung: Tantangan Dalam Mewujudkan Peradilan Yang Berintegritas', *Jurnal Ilmu Sosial Dan Humaniora*, 1.4 (2025), 1625–33 <<https://doi.org/10.63822/x2byrn05>>.



is what calms your soul and heart. And sin is what makes your heart doubt and shake your chest. Even if you ask people for a fatwa and they give you a fatwa" (HR. Ahmad no. 17545, *Al Albani in Sahih At Targhib* [1734] said: "*hasan li ghairihi*"). Asking for a fatwa from the heart must of course be strengthened by seeking knowledge (tholabil science), especially sharia sciences.

The care of offspring is considered something valuable and important for every individual. Islam encourages every offspring to be born from a legitimate relationship and in accordance with religious and state law. As a result, Islam prohibits adultery as an effort to maintain the purity of offspring. The maintenance of offspring thus also aims to maintain one's dignity from desires that are channeled illegitimately so that they can humiliate one's life in the eyes of society. A judge is obliged to take good care of his descendants in the sense of ensuring that he does not fall into adultery, this is important so that his honor is maintained. Apart from that, protecting offspring can also mean physically protecting family members from threats of danger.<sup>17</sup> This is because the law enforcement profession, including judges, is a profession that is vulnerable to threats from interested parties.

The assets owned by humans are actually just loans for which Allah SWT will be asked to account for them on the last day. In order for the use of property to be in accordance with Islamic principles, the owner or user of property must follow religious provisions. One of the contexts of maintaining assets which has a position as a primary need (*ad-daruriyat*) is the obligation of every individual to work to fulfill the necessities of life for themselves and the family they are responsible for.<sup>18</sup>

In order to support work, equipment or tools are needed that are appropriate to the type of work. This equipment has a position as a supporting need (*al-hajiyat*). Even though the work can be done without equipment, its presence goes a long way in increasing efficiency and productivity. Meanwhile, in the context of meeting advanced support needs (*at-tahsiniyat*), adequate and complete work facilities are a very important factor in achieving the targets that have been set. These adequate facilities will support optimal achievement in work. Property maintenance is therefore closely related to the judge's duties in order to support optimal quality performance. At this point, special attention is needed regarding the proportional amount of salaries, allowances and facilities in order to support the independence of judges in carrying out their duties. This includes meeting institutional needs for facilities and infrastructure in the office environment to improve legal services to the community. This is felt to be very important because the legal sector is the lifeblood of the development of a nation and state.<sup>19</sup>

## Conclusion

The relationship between the concept of God Almighty as the basis of justice and reason is like the relationship between a framework and a building, where reason is the framework and the concept of God Almighty stands as the building. Reason as a framework is something that is invisible but has a significant role in supporting buildings to stand upright. Regarding the concept of the Almighty God as a building, it is clearly seen as a provision contained in the legal norms of Law Number 48 of 2009 which provides an obligation for judges to implement it. Buildings without frames will collapse. On the other hand, if the frame is strong, the building will be strong. The question of how to form and maintain the framework so that it can support the building strongly requires efforts to uncover the deeper meaning of the Almighty God, which in this research found its source in specific Islamic teachings in the concept of *maqashid sharia*. The essence of the concept of judicial power which bases justice on the Almighty God as a legal goal in the *Maqashid Syariah* perspective is in harmony with the goal of the rule of law, namely producing fair decisions for society. A legal decision will be considered fair if it can be accepted by common sense. Again, reason will be a parameter in assessing whether something is fair or not, so that maintaining reason as one of the elements in *maqashid sharia* that must be maintained fits with what has been done in this research. In understanding the concept of judicial power based on the *maqashid sharia* approach, apart from

<sup>17</sup> Nandaswara Shandi Putra and Gamalel Rifqi Samhudi, 'Analisis Kewenangan Lembaga Negara Di Bawah Kekuasaan Eksekutif Sebagai Pelaksana Undang-Undang', *Collegium Studiosum Journal*, 8.1 (2025), 113–22 <<https://doi.org/10.56301/csj.v8i1.1661>>.

<sup>18</sup> Novianto Novianto, Sudarto Sudarto, and Rizky Pratama Putra Karo-Karo, 'Independensi Kekuasaan Kehakiman Pengadilan Pajak Sebelum Putusan Mahkamah Konstitusi Dan Pasca Putusan Mahkamah Konstitusi', *Jurnal Greenation Sosial Dan Politik*, 4.1 (2026), 1–13 <<https://doi.org/10.38035/jgsp.v4i1.601>>.

<sup>19</sup> Icha Cahyaning Fitri, Alif Rizki, and Budi Cahyono, 'Kedudukan Kejaksaan Dalam Penegakan Hukum Di Indonesia Berdasarkan Kitab Undang-Undang Hukum Acara Pidana', *National Multidisciplinary Sciences*, 4.3 (2025), 41–51 <<https://doi.org/10.32528/NMS.V4I3.745>>.



observing reason, it is also necessary to maintain religion, care for the soul, care for descendants, and care for assets as aspects that support the independence of judges in carrying out their duties.

In order to maintain reason, religion, soul, lineage and property, each of which has a role in maintaining the dignity and independence of judges in carrying out their duties, firm, consistent and continuous efforts are needed from policy makers to achieve overall legal objectives. Operationally, these efforts are mainly related to creating a religious work environment, providing facilities and infrastructure in the work environment, as well as realizing the welfare of judges from an economic perspective by providing truly adequate salaries and allowances.

## Acknowledgment

The author would like to thank STIH Adhyaksa for providing support for the implementation of this research. This research was funded by STIH Adhyaksa

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