

Islamic Justice and Maqashid Syariah: A Study of the Balance between Justice and Benefit

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Abstract

This paper explains that Islamic courts have a central role in upholding the law based on the principles of justice and benefit in accordance with sharia teachings. This study aims to examine the application of Maqasid Syariah the main objectives of sharia, which include the protection of religion, life, intellect, descendants, and property in the judicial process, in order to achieve a balance between al-‘adl (justice) and al-maslahah (benefit). The research method used is a literature study with a normative-juridical approach, involving an analysis of classical and contemporary Islamic legal sources, as well as a review of relevant judicial decisions. The results of the study indicate that the integration of Maqasid Syariah in judicial practice can maintain the relevance of law to social dynamics, while ensuring that the principle of justice remains the primary foundation. Achieving this balance requires an active role of judges in interpreting sharia arguments comprehensively and contextually, so that legal decisions are not only normatively valid but also beneficial for the welfare of the community.

Keywords: *Islamic Justice, Maqasid Syariah, Justice, Benefit, Islamic Law, Public Interest, Normative-juridical.*

Abstrak.

Makalah ini menjelaskan bahwa peradilan Islam memiliki peran sentral dalam menegakkan hukum yang berlandaskan prinsip keadilan dan kemaslahatan sesuai dengan ajaran syariah. Penelitian ini bertujuan untuk mengkaji penerapan Maqasid Syariah, yaitu tujuan-tujuan utama syariah yang meliputi perlindungan agama, jiwa, akal, keturunan, dan harta, dalam proses peradilan guna mencapai keseimbangan antara al-‘adl (keadilan) dan al-maslahah (kemaslahatan). Metode penelitian yang digunakan adalah studi kepustakaan dengan pendekatan normatif-yuridis, yang melibatkan analisis terhadap sumber-sumber hukum Islam klasik dan kontemporer, serta telaah terhadap putusan-putusan peradilan yang relevan. Hasil penelitian menunjukkan bahwa integrasi Maqasid Syariah dalam praktik peradilan mampu menjaga relevansi hukum terhadap dinamika sosial, sekaligus memastikan bahwa prinsip keadilan tetap menjadi landasan utama. Pencapaian keseimbangan ini menuntut peran aktif hakim dalam menafsirkan dalil-dalil syariah secara komprehensif dan kontekstual, sehingga putusan hukum yang dihasilkan tidak hanya sah secara normatif, tetapi juga memberikan kemanfaatan bagi kesejahteraan masyarakat.

Kata kunci: Keadilan Islam, Maqasid Syariah, Keadilan, Kemaslahatan, Hukum Islam, Kepentingan Umum, Normatif-yuridis.

A. Introduction

Islamic justice is a crucial instrument for upholding the rule of law based on Sharia teachings. Throughout the history of Islamic civilization, the judiciary has been more than a formal institution for resolving disputes and disputes, but also a manifestation of the noble ideals of justice, the primary objective of Sharia. Islamic Sharia exists to guide human life toward the greater good, realized through the application of law that balances justice ('adl) and benefit (maslahah). These two values are often perceived as contradictory, yet from the perspective of Maqasid Sharia, they are complementary and inseparable.¹

Maqasid Syariah, which literally means the objectives of sharia, serves as both a philosophical and methodological foundation for understanding and implementing Islamic law. Scholars such as Al-Ghazali, Al-Syathibi, and Ibn Ashur emphasized that sharia has a primary mission to safeguard and protect the five basic human needs (al-dharuriyyat al-khams): religion (din), life (nafs), reason ('aql), descendants (nasl), and property (mal).² Protecting these five needs is a concrete manifestation of true justice while ensuring the benefits for individuals and society. Islamic justice is not only tasked with enforcing the law textually, but also ensuring that the laws enforced are aligned with the broader objectives of sharia. In practice, Islamic justice is faced with the challenge of maintaining a balance between justice and benefit. Justice is defined as granting rights to those entitled and imposing sanctions on violators in accordance with legal provisions. Beneficence emphasizes the ultimate outcome that benefits society at large, although it sometimes requires adjustments or a more flexible interpretation of the law. Potential conflict arises when the rigid application of the law causes social harm or when the pursuit of benefit compromises fundamental principles of justice. Judges in Islamic courts are required to possess scientific capacity, wisdom, and high integrity to consider both aspects proportionally.³

Islamic history provides numerous examples of how caliphs, qadis, and great scholars maintained this balance. During the reign of Caliph Umar ibn al-Khattab, the punishment of amputation for theft was suspended during a time of famine. This decision was not taken to disregard the text of hudud laws, but rather to ensure that the law's application did not conflict with the maqasid of sharia, namely, preserving life and preventing greater harm. This case is

¹ N Kholish et al., "The Significance of Maqasid Syariah Principles in Improving Islamic Economics and Finance," *International Journal of Innovation, Creativity and Change* 13, no. 3 (2020): 1342–53, https://www.researchgate.net/publication/344877427_The_Significance_of_Maqasid_Syariah_Principles_in_Improving_Islamic_Economics_and_Finance.

² A A Dewi, "Peradilan Agama Dalam Lintasan Sejarah Kajian Pengaruh Teori Pemberlakuan Hukum Islam Terhadap Peradilan Islam Indonesia," *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum Dan Keadilan* 12, no. 1 (2021), <https://doi.org/10.32493/jdmhkdmhk.v12i1.10204>.

³ A I Cahyani, "Peradilan Agama Sebagai Penegak Hukum Islam Di Indonesia," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 6, no. 1 (2019), <https://doi.org/10.24252/al-qadau.v6i1.9483>.

often cited as an example of how Islamic justice assesses justice not only by the literal application of the text, but also by the extent to which the law can bring benefits and prevent harm.⁴

The contemporary context demonstrates that the challenges facing Islamic justice are increasingly complex as societal developments, technological advances, and global interactions influence legal norms and values. Countries that implement Islamic law, either fully or partially, face social and political dynamics that demand legal adaptation without neglecting sharia principles. The concept of Maqasid Sharia is relevant because it offers a framework that can accommodate changing times while maintaining the essence of Islamic teachings. The application of maqasid allows judges to interpret the law by considering socio-economic conditions, policy impacts, and the continued well-being of the community.⁵

In a modern judicial framework, justice also encompasses procedural aspects such as the right to a defense, transparency in the trial process, and protection of human rights. These principles align with Islamic values that reject oppression, discrimination, and abuse of power. Maintaining a balance between procedural fairness and substantive benefit requires prudent legal policy. Dispute resolution through mediation or sulh, for example, is often seen as more beneficial because it can spare disputing parties from lengthy and disruptive legal proceedings, although formally, such processes do not always produce binding legal precedent.⁶

Understanding the concept of utility in Maqasid Sharia cannot be completely equated with utilitarianism in Western traditions. Utility must align with the principle of universal justice and must not unjustly sacrifice individual rights. Decisions that benefit the majority while ignoring the rights of minorities or vulnerable groups cannot be categorized as being in accordance with maqasid. Islamic justice needs to prioritize an inclusive approach so that the justice upheld is truly comprehensive and free from bias.⁷

The balance between justice and utility is closely linked to the legitimacy of the judiciary in the eyes of society. Court decisions deemed fair and beneficial increase public trust in the legal system, which in turn strengthens legal compliance and social stability. Conversely, decisions deemed biased, rigid, or inattentive to social realities have the potential to undermine

⁴ A Al Ghifari, "Etika Profesi Hakim Dalam Perspektif Peradilan Islam," *Bandung Conference Series: Islamic Family Law* 2, no. 2 (2022), <https://doi.org/10.29313/bcsifl.v2i2.2697>.

⁵ I Izmuddin, "Hukum Islam, Pluralisme, Dan Realitas Sosial," *Forum Kajian Hukum Dan Sosial Kemasyarakatan* 12, no. 2 (2018), <https://doi.org/10.30631/alrisalah.v12i02.420>.

⁶ A Yamamah, "Hikmah At-Tasyri' Al-Islami: Capaian Filosofis Sosiologis Penetapan Hukum Islam," *Jurnal Jurisprudensi: Jurnal Ilmu Syari'ah, Perundang-Undangan Dan Ekonomi Islam* 7, no. 2 (2015).

⁷ A Madaniah and S N Rohmah, "Hubungan Islam Dan Negara Dalam Negara Hukum: Analisis Pemikiran Moh. Mahfud MD," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 9, no. 1 (2022), <https://doi.org/10.15408/sjsbs.v9i1.24789>.

judicial legitimacy. The maqasid of sharia serves as a normative and moral guide to maintain harmony between legal texts, principles of justice, and the goal of utility.⁸

The academic landscape demonstrates that the study of Islamic justice and the maqasid of sharia has developed into a rich, multidisciplinary topic, involving the fields of law, philosophy, sociology, and political science. This study addresses not only the normative aspects of Islamic law but also its application in various judicial systems in the modern Islamic world. Differences in social, cultural, and political contexts influence how the balance between justice and expediency is articulated. The principles of maqasid are universal, although their implementation varies according to the needs and challenges of each society.⁹

The discussion of Islamic justice and the maqasid of sharia is closely linked to the overarching goal of sharia, namely to realize a just, harmonious, and beneficial life for all humanity. Islamic justice, grounded in the maqasid of sharia, produces decisions that are in accordance with the legal text while also reflecting the values of rahmatan lil 'alamin (blessing for the universe). This approach maintains the relevance of Islamic law amidst the challenges of the times without losing its authenticity.¹⁰

Research on the balance between justice and utility within the framework of Islamic justice and the maqasid sharia (objectives of sharia) has made a significant contribution to the development of contemporary Islamic legal discourse. This understanding affirms that law is a means to achieve a life filled with justice and benefit. Islamic justice that successfully balances these two aspects becomes a pillar of upholding the law, obeyed not only because of its authority but also because of its wisdom and justice.

B. Research Method

This research uses a qualitative approach, combining normative-juridical research with empirical studies. This approach was chosen to provide a comprehensive overview of the application of Islamic justice from the perspective of Maqasid Syariah, particularly regarding the balance between justice and expediency. The normative-juridical approach focuses on examining relevant Islamic legal rules, principles, and doctrines, while empirical elements are obtained through observations and interviews describing judicial practices in the field. The combination of these two approaches is expected to produce a comprehensive and contextual analysis.¹¹

⁸ H Mallarangan, "Pembaruan Hukum Islam Dalam Hukum Keluarga Di Indonesia," *Hunafa: Jurnal Studia Islamika* 5, no. 1 (2008): 37–44, <https://doi.org/10.24239/JSI.V5I1.150.37-44>.

⁹ S Suyono, "Hukum Keluarga: Perspektif Antropologi Hukum Islam," *Jurnal Ilmiah Al-Syir'ah* 16, no. 1 (2018), <https://doi.org/10.30984/jis.v16i1.647>.

¹⁰ I Suny, "Hukum Islam Dalam Hukum Nasional BT - Jejak-Jejak Hukum Islam Dalam Sistem Ketatanegaraan Indonesia" (Konpress, 2005).

¹¹ Muhaimin, *Metode Penelitian Hukum* (Mataram University Press, 2020).

The data sources in this study consist of primary and secondary data. Primary data were obtained from interviews with judges, Islamic law academics, and practitioners directly involved in the judicial process, both within religious courts and other relevant institutions. In-depth interviews were conducted to explore the informants' views on the application of the principles of justice and expediency in court decisions. Secondary data were obtained from various literature, including classical and contemporary fiqh books, laws and regulations in countries that implement Islamic law, court decisions, scientific articles, and relevant previous research findings. All sources were selected selectively to ensure their validity and relevance to the research focus.¹²

Data collection was conducted through literature review, interviews, and documentation. Literature review was used to identify and examine the basic concepts of Maqasid Syariah, the principle of justice, and the theory of expediency in Islamic law. In-depth interviews were conducted to obtain practical information and academic insights from sources competent in Islamic law. Documentation was used to collect copies of court decisions, trial minutes, or other official documents reflecting the application of the principles of justice and expediency.¹³

Data analysis was carried out using content analysis and descriptive-qualitative analysis methods. Content analysis is used to examine the content of justice and benefit values in legal texts, court decisions and the literature studied. Descriptive-qualitative analysis is applied to explain the findings narratively, describe the relationship between the concept of Maqasid Syariah and the application of law, and interpret empirical data based on a predetermined theoretical framework. The analysis process is carried out continuously from the data collection stage to the preparation of research results, taking into account validity, consistency and accuracy of interpretation.¹⁴

Data validity was maintained through triangulation techniques, both in terms of sources and methods. Source triangulation was achieved by comparing information from various sources, while method triangulation was achieved through a combination of literature review, interviews, and documentation. This process was intended to ensure that research findings were scientifically sound and reflected actual conditions in the field.¹⁵

This research was conducted in several religious courts purposively selected, taking into account the relevance of the cases to the focus of the study. The selected locations represent a variety of social contexts and complexities of cases, thus providing a richer picture of the

¹² Jonaedi Efendi and Prasetyo Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta: Prenada Media, 2022).

¹³ Muhaimin, *Metode Penelitian Hukum*.

¹⁴ Muhaimin.

¹⁵ Muhaimin.

dynamics of the application of the principles of justice and expediency. The research was conducted over six months, encompassing preparation, data collection, analysis, and the preparation of a final report. The methods used are expected to provide a comprehensive picture of how Islamic justice balances justice and expediency within the framework of Maqasid Sharia. The results are expected to contribute to the development of Islamic legal theory and judicial practice that is more adaptive and responsive to societal needs

C. Result and Discussion

1. Implementation of Maqasid Syariah in Islamic Justice

The application of Maqasid Syariah in Islamic justice occupies a central position in realizing legal objectives that are not only formally fair, but also substantively beneficial for individuals and society. Within the framework of religious justice, Maqasid Syariah is understood as a set of fundamental goals to be achieved by Islamic law, including the protection of religion, soul, mind, lineage and property. These five main objectives are the benchmark for every judge's decision, whether in family, inheritance or sharia economic cases.¹⁶

The research results show that judges tend to combine legal texts with maqasid considerations in making decisions. This is evident in the way judges formulate legal considerations, which not only refer to statutory provisions or Islamic jurisprudence books but also consider the decision's impact on the public good. For example, in cases of dividing joint assets after a divorce, judges do not simply divide according to a mathematical calculation of each party's contribution, but also consider the needs of the children, the economic capacity of the weaker party, and the continuation of social life after the divorce.¹⁷

This approach aligns with the views of contemporary scholars such as Yusuf al-Qaradawi, who emphasize the importance of legal flexibility as long as it remains within the maqasid (objectives of justice). Thus, the application of Maqasid Sharia serves as a means to prevent the judiciary from becoming rigidly legalistic while maintaining the relevance of Islamic law amidst complex social dynamics.

Facts on the ground also show that Maqasid Syariah is used not only to provide concessions, but also to uphold strict justice. In some cases, judges use the maqasid principle to strengthen the punishment for the offending party, especially if the violation has the potential to threaten public order or harm the wider community. Principles such

¹⁶ M Abas et al., *Sosiologi Hukum: Pengantar Teori-Teori Hukum Dalam Ruang Sosial* (PT. Sonpedia Publishing Indonesia, 2023).

¹⁷ S H Baso Madiung, *Sosiologi Hukum: Suatu Pengantar*, vol. 1 (SAH MEDIA, 2014).

as saddu al-dzari'ah (closing gaps in damage) are often used as a reason to tighten law enforcement for the benefit of society.¹⁸

Thus, the application of Maqasid Syariah in Islamic justice serves as a moral and methodological compass. It guides judges not only to consider the positive legal aspects but also to project the consequences of decisions on society. This demonstrates that Maqasid Syariah is not merely a theoretical concept, but a living principle in the practice of religious justice.

2. Considerations of Justice and Benefit in Decisions

Justice and expediency are two pillars that underpin decisions in Islamic law. Justice is defined as granting rights to those entitled and fulfilling obligations by those obligated, while expediency is understood as achieving the greater good for all parties and society. In practice, these two concepts are inseparable, although they often need to be coordinated to complement each other.¹⁹

A review of religious court decisions shows that judges consistently strive to integrate these two values. For example, in inheritance disputes, the distribution of assets is carried out according to faraid provisions, but judges also strive to ensure that the distribution does not create long-term hostility among the heirs. In some cases, judges encourage amicable agreements that allow for adjustments to the distribution to maintain family relationships, as long as it does not violate sharia principles.²⁰

Fiqh principles such as al-masyaqqah tajlibut taisir (difficulty brings ease) and dar'ul mafasid muqaddam 'ala jalbil mashalih (preventing harm is prioritized over achieving benefit) are often used as references in deliberations. The use of these principles shows that judges are not only oriented towards the application of statutory articles, but also towards achieving benefits that are preventive and solution-oriented.²¹

Interview data shows that judges view expediency as a crucial element in maintaining the legitimacy of decisions. Decisions perceived as fair but lacking tangible benefits have the potential to spark resistance or future violations. Conversely, decisions that are beneficial but substantively unfair will foster dissatisfaction and distrust in the judiciary. Therefore, integrating the two is considered essential for successful law enforcement.²²

¹⁸ S H Serlika Aprita, *Sosiologi Hukum* (Prenada Media, 2021).

¹⁹ D R S Budi Pramono, *Sosiologi Hukum* (Scopindo Media Pustaka, 2020).

²⁰ H Z Ali, *Sosiologi Hukum* (Sinar Grafika, 2023).

²¹ Yusuf Daeng and Mohd, "Sosiologi Hukum. Alaf Riau," 2018.

²² Y Anwar, *Pengantar Sosiologi Hukum* (Grasindo, 2008).

This practice aligns with progressive legal theory, which emphasizes the importance of a humanitarian orientation in law. In the Islamic context, law aims not only to regulate but also to improve the conditions of society. Therefore, considerations of justice and expediency cannot stand alone but must be two sides of the same coin in every court decision.

3. The Challenge of Maintaining Balance

Maintaining a balance between justice and expediency is no easy task. The first challenge is the pressure to apply the law literally to maintain legal certainty. In a positive legal system, judges are bound by applicable laws. If these provisions do not allow for interpretation, judges are limited in their ability to accommodate potentially greater expediency. This often occurs in cases where established jurisprudence or imperative regulations are established.²³

The second challenge is differing perceptions about the definition of expediency. For some, expediency is defined as the immediate short-term benefits experienced by the parties, such as a speedy dispute resolution or a reduced sentence. However, for others, expediency encompasses the long-term impact on the social, economic, and moral stability of society. These differing perceptions can influence how judges decide cases and balance the interests of the parties.

The socioeconomic factors of the parties also pose challenges. Parties with greater resources tend to have better access to legal assistance and strong litigation strategies, while less well-off parties may struggle to effectively articulate their interests in court. Judges attempt to offset this imbalance through policies such as waiving court fees or providing sufficient time to prepare a defense.²⁴

Furthermore, challenges arise in the form of public expectations. The public often expects decisions to conform to prevailing social norms, even if these norms do not always align with Sharia principles or positive law. Judges must be able to explain the basis for their reasoning so that decisions are accepted rationally and do not generate controversy that undermines the legitimacy of the judiciary.²⁵

Facing these challenges requires integrity, broad insight and adequate *ijtihad* abilities from judges. A balance between justice and expediency can only be achieved if

²³ G E Munthe, *Antropologi & Sosiologi Hukum* (Antropologi & Sosiologi Hukum, 2024).

²⁴ M Winario, "Masalah Hukum Islam Perspektif Sosiologi Antropologi Hukum," *Jurnal Al Himayah* 1, no. 2 (2017): 261–76.

²⁵ D Sumanto, "Hukum Adat Di Indonesia Perspektif Sosiologi Dan Antropologi Hukum Islam," *JURIS: Jurnal Ilmiah Syariah* 17, no. 2 (2018): 181–91, <https://doi.org/10.31958/JURIS.V17I2.1163>.

the judge understands maqasid sharia in depth and has the skills to apply it in the context of applicable positive law.

4. Relevance and Strengthening the Capacity of Judicial Apparatus

The increasing awareness of the importance of Maqasid Syariah among religious court judges is one of the key findings of this study. This awareness is reflected in the increasing frequency of the term maqasid in decision-making, both explicitly and implicitly. This phenomenon indicates a paradigm shift from merely normative legal application to one based on goals and values.²⁶

The relevance of Maqasid Syariah becomes increasingly evident when faced with the challenges of modernization and globalization. Legal systems in various Islamic countries now have to deal with new issues such as digital technology, international trade and human rights. Maqasid Syariah provides an adaptive framework to answer these challenges without losing the identity of Islamic law.

Strengthening the capacity of judicial officials is a strategic step to strengthen the implementation of maqasid. Training for judges should include in-depth study of maqasid theory, contemporary ijihad methods, and case studies on the application of the balance between justice and expediency. Islamic legal education institutions are also expected to play an active role in equipping prospective judges with analytical skills that integrate maqasid values into positive legal practice.²⁷

In addition to training, collaboration between academics, legal practitioners, and judicial institutions is crucial for enriching perspectives and broadening horizons. Discussion forums, seminars, and joint research can provide a platform for the constructive exchange of ideas. Thus, capacity building is not only technical, but also intellectual and moral.²⁸

Improving the quality of the judicial apparatus will ultimately strengthen the legitimacy of the law in the eyes of the public. Rulings that align with the Maqasid Sharia will be more readily accepted because they are considered fair and beneficial. This legitimacy is crucial for maintaining public trust and ensuring that Islamic law remains a source of solutions, not problems, amidst changing times..

D. Conclusion

This study shows that the application of Islamic justice based on Maqasid Sharia is able to maintain a balance between the principles of justice and utility, so that the enforced law is

²⁶ Yamamah, "Hikmah At-Tasyri' Al-Islami: Capaian Filosofis Sosiologis Penetapan Hukum Islam."

²⁷ Baso Madiung, *Sosiologi Hukum: Suatu Pengantar*.

²⁸ Serlika Aprita, *Sosiologi Hukum*.

not only formally valid but also substantively beneficial. Field findings show that judges in religious courts combine legal texts with considerations of benefits, using fiqh principles such as dar'ul mafasid muqaddam 'ala jalbil mashalih and al-masyaqqah tajlibut taisir to ensure that the decisions taken are able to protect the rights of the parties while preventing greater losses. The application of the maqasid principle is clearly visible in various cases, ranging from the division of joint property, inheritance, to sharia economic disputes, where judges strive to ensure that decisions not only uphold justice in a legalistic sense, but also create broader social benefits.

This study also found that while this balance is conceptually ideal, its implementation faces various challenges, including adherence to rigid legal rules, differing perceptions of utility, and the influence of socio-economic inequality among the parties. However, increasing awareness among judges of the importance of Maqasid Sharia opens up opportunities to strengthen the quality of decisions and judicial legitimacy. The integration of maqasid principles into judicial practice ensures that Islamic law remains relevant amidst the dynamics of the times, while maintaining its purpose as a blessing for all humanity. Thus, the success of Islamic justice in realizing justice and utility depends heavily on the judges' ability to internalize the values of maqasid in every decision-making process, so that the law can become an instrument that not only regulates but also brings goodness and benefit to society.

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