



Ideal Formulation of Human Rights Regulation in Indonesia

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ABSTRACT: There have been several human rights cases in several regions in Indonesia in recent years and the ripples of conflict that have accompanied them show that there are differences in interpretation of the principles and implementation of human rights among the community. In this case, it is necessary to formulate regulations on human rights that are good and universally applicable to all groups. This research aims to offer an ideal formulation of human rights regulation in Indonesia. This research uses descriptive qualitative method or also known as literature study. This research reveals findings as one of the problem solving in human rights issues. There are three things that must be promoted as a form of struggle in maintaining human rights in Indonesia, namely strengthening the values of Pancasila as a source of human rights values, the need for a common perception of the conception of the implementation of ideal human rights in Indonesia, and the idea of a human rights education movement among the community on an ongoing basis.

Keywords: Ideal Formulation, Regulation, Human Rights



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INTRODUCTION

Human rights are fundamental principles of human life that recognise and protect the dignity, freedom and rights of every individual. Good and effective human rights regulation is an important foundation for the creation of a just, equitable and democratic society. In Indonesia, human rights regulation plays a crucial role in ensuring that every citizen can enjoy the basic rights inherent in every human being ([Ishak et al., 2022](#)).

Human rights are universal, but also contextual. Each country has its own history of struggle and development. Therefore, the conception and implementation of human rights of a country cannot be generalised ([K. Setiawan, 2016](#)). The existence of human rights leads to the consequence of human obligations, both of which run in parallel and are an inseparable unity. Ignoring one of them will lead to human rights violations, and Islam has provided very clear guidelines on this issue ([Isnaini, 2014](#)).

Human rights cases in several regions in the country in recent years and the ripples of conflict that accompanied them show that there are differences in interpretation of the principles and implementation of human rights among the community. In this case, it is necessary to formulate regulations on human rights that are good and universally applicable to all groups ([Azhar, 2014](#)).

Since undergoing a democratic transition in the late 1990s, Indonesia has made some progress in human rights regulation. In this context, the country has signed and ratified various international instruments on human rights, including the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, and the International Convention on Economic, Social and Cultural Rights. At the national level, Indonesia has strengthened its human rights arrangements through constitutional changes that recognise and guarantee the protection of human rights in the 1945 Constitution ([K. Setiawan, 2016](#)).

Despite these efforts to regulate human rights in Indonesia, there are still challenges that need to be addressed. Human rights violations, discrimination and inequality still occur in various aspects of life. It is important for Indonesia to continue to formulate an ideal formulation of human rights regulation to overcome these challenges and ensure the fulfilment of the rights of every citizen ([El-Muhtaj, 2017](#)).

This research aims to formulate the ideal formulation of human rights regulation in Indonesia. The research involves an analysis of existing legal regulations, including the 1945 Constitution and related laws, as well as a comparative study of human rights regulatory practices in other successful countries. It will analyse various aspects of human rights, including civil and political rights, economic, social and cultural rights, and the protection of vulnerable groups ([Malik et al., 2021a](#)).

It is hoped that the results of this research will provide concrete and practical recommendations for the government and relevant institutions to improve and strengthen human rights arrangements in Indonesia. The ideal arrangement should be based on universal principles of human rights, including equality, justice and freedom. Human rights protection should be effectively and equitably enforced for every individual and group in Indonesia.

Through a better understanding of the needs and challenges faced in human rights regulation, it is hoped that an ideal formulation can be found and effectively implemented in Indonesia. These measures will contribute to improved human rights protection, creating a more inclusive, just and dignified society for all citizens.

If this research is conducted then the results may vary, depending on the methodology used, the data collected, and the analyses conducted. Some possible relevant research outcomes could include:

- a) Identification of challenges in regulating human rights in Indonesia: Research could reveal specific challenges faced in regulating and protecting human rights in Indonesia. These could include legal barriers, political constraints, weaknesses in policy implementation, and social injustices that affect human rights protection.
- b) Evaluate the existing legal framework: Research can evaluate the existing legal framework related to human rights in Indonesia, such as the constitution, laws, and government policies.

This evaluation can identify strengths and weaknesses in human rights arrangements and conformity with international standards.

- c) Findings on human rights implementation: Research can lead to a deeper understanding of how human rights are implemented in Indonesia. This could include analyses of human rights institutions, law enforcement efforts, and the role of stakeholders in protecting and promoting human rights in the country.

Policy recommendations: Based on the research findings, policy recommendations can be made to strengthen human rights arrangements in Indonesia. These recommendations could include improvements to the legal framework, capacity building of human rights institutions, human rights training and education for stakeholders, and measures to address the challenges identified.

METHOD

The research method used in writing this research is descriptive qualitative. The type of research is library research, namely collecting data or papers related to Human Rights Arrangements from various sources in several countries which is literature. Descriptive qualitative research is a combination of descriptive and qualitative research ([Ridwan, Suhar, et al., 2021](#)). Qualitative descriptive research displays the results of data according to the original without manipulation or other treatment processes ([Moleong, 2013](#)).

In Sukmadinata's explanation, qualitative descriptive methods are more directed to describe various kinds of phenomena that are natural or human engineering, more about the characteristics, quality and interrelationships between activities. On the other hand, descriptive research does not provide treatment, manipulation, or change in the variables studied, but rather describes a condition as it is. The only treatment given is the research itself which is carried out through observation, interviews, and documentation ([Sari et al., 2021](#)).

Meanwhile, Satori revealed that qualitative research was conducted because researchers wanted to explore non-quantifiable phenomena that were descriptive in nature such as the process of a work step, the formula of a recipe, the notions of a diverse concept, the characteristics of goods and services, various images and styles, the procedures of a culture, the physical model of an artifact and others. Sugiyono in his explanation said, descriptive qualitative research as a research method based on the philosophy of post positivism which is usually used to research on natural objective conditions where the researcher acts as a key instrument ([Gunawan, 2022](#)).

The purpose of this research is so that readers can find out how to protect and implement human rights in Indonesia so that it runs well and ideally. So it is hoped that readers in their daily activities can be motivated to carry out the principles of human rights correctly according to the rules.

RESULT AND DISCUSSION

Strengthening Pancasila Values as a Source of Human Rights Value.

Strengthening the values of Pancasila as a source of human rights value is an important approach in the Indonesian context. Pancasila, as the foundation of the Indonesian state, encompasses five basic values that serve as a foundation in the life of society, nation and state. Integrating Pancasila values in human rights enforcement can provide a strong foundation to achieve the goal of inclusive and equitable human rights protection.

- a) **Belief in One God:** The first value in Pancasila is the recognition of the existence of God. Strengthening this value in human rights enforcement means recognising that human rights stem from the existence and will of God. This emphasises the protection of individual rights without violating religious principles that are recognised and respected by society.
- b) **Fair and Civilised Humanity:** The second value of Pancasila is respect for the dignity and justice of every individual. Strengthening this value in human rights enforcement means ensuring the protection of human rights equally, without discrimination based on ethnicity, religion, race and class. In addition, human rights enforcement must also be based on civilised moral and ethical principles.
- c) **Indonesian Unity:** The third value of Pancasila is to uphold the unity of the nation. Strengthening this value in human rights enforcement means ensuring the protection of human rights as an effort to strengthen unity and social solidarity in Indonesia. Human rights enforcement must encourage the integration of Indonesian society by respecting the diversity of cultures, religions and ethnic groups.
- d) **Democracy Led by Wisdom in Consultation/Representation:** The fourth value of Pancasila is to prioritise wisdom in decision-making that involves the active participation of the community. Strengthening this value in human rights enforcement means involving the public in policy formulation and decision-making processes related to human rights. Strong public participation will ensure that the resulting policies take into account the interests and protection of human rights.
- e) **Social Justice for All Indonesian People:** The fifth value of Pancasila is to create social justice for all Indonesian people. Strengthening this value in human rights enforcement means ensuring equitable access to resources, opportunities, and public services. Human rights enforcement should aim to reduce social and economic disparities, and provide protection of economic, social, and cultural rights for all individuals.

By strengthening the values of Pancasila in human rights enforcement, Indonesia can create an environment that is inclusive, equitable, and respectful of human rights. The application of Pancasila values as a foundation in human rights enforcement also means strengthening the nation's identity and strengthening togetherness in realising a just, prosperous and dignified society.

To continue strengthening the values of Pancasila as the enforcement of human rights in Indonesia, a series of integrated steps are needed. First, an education and public awareness approach needs to be taken to increase understanding and awareness of the importance of Pancasila values in upholding human rights. Through public campaigns, education programmes

and counselling, people can understand that respecting human rights is an integral part of Pancasila values.

Furthermore, it is important to integrate Pancasila values in public policies related to human rights. In policy-making, it must be ensured that the values of unity, justice and equality espoused by Pancasila are consistently reflected. This can ensure that every policy taken takes into account the protection of human rights and does not violate the values of Pancasila (Ridwan, 2018).

Strengthening human rights enforcement institutions is also an important step in upholding Pancasila-based human rights. Institutions such as Komnas HAM need to be empowered and strengthened in their role as watchdogs and protectors of human rights. Collaboration with religious institutions can also strengthen the application of Pancasila values in human rights enforcement. Religious institutions can play a role in organising education and training programmes that integrate Pancasila and human rights values (Malik et al., 2021b).

In addition, guidelines and ethics for Pancasila-based human rights enforcement need to be developed. These guidelines will provide guidance for law enforcement officers, lawyers, and other human rights enforcement agencies in carrying out their duties by prioritising Pancasila values. With clear guidelines in place, high standards in protecting and promoting human rights can be achieved.

Conception of Ideal Human Rights Implementation in Indonesia

The conception of ideal human rights implementation in Indonesia involves several important aspects that need to be considered. First, the implementation of human rights must be based on the recognition and respect for human rights as universal values inherent in every individual, without exception. This means that everyone has the same rights and should not be discriminated against based on ethnicity, religion, race, gender, or other factors (Hadiprayitno, 2010).

Furthermore, the implementation of ideal human rights requires a strong legal framework. A clear and unequivocal law must protect and guarantee human rights as a whole. The 1945 Constitution of the Republic of Indonesia is a strong foundation to ensure the protection of human rights. In addition, the existence of international legal instruments, such as the Universal Declaration of Human Rights, must also be implemented in the Indonesian legal system (Peterson, 2020).

In addition to the above, the ideal implementation of human rights involves the active participation of civil society. Civil society, including NGOs, human rights activists and other organisations, should be encouraged to play an active role in monitoring and reporting human rights violations. They can also provide advocacy and support to individuals who have experienced human rights violations. Civil society participation is an important element in building a strong human rights culture in Indonesia.

The ideal implementation of human rights also requires cooperation between the government, law enforcement agencies, and the private sector. This cooperation is important to ensure the protection and enforcement of human rights in all aspects of people's lives, including in education, health, labour, environment, and others. The government as the holder of power must ensure that their policies and actions are in line with human rights principles.

Furthermore, ideal human rights implementation also involves efforts to prevent human rights violations. A preventive approach is essential to prevent human rights violations, whether in the form of physical violence, discrimination, oppression, or other violations. Education on human rights must be strengthened at all levels, from formal to informal education, so that public awareness of human rights can be increased ([Ridwan, Umar, et al., 2021](#)).

Finally, the ideal implementation of human rights must be based on the values of humanity, justice and equality. These principles should be the foundation of every policy, action and law enforcement related to human rights. The protection of human rights must be a top priority and must be carried out with integrity, transparency and accountability.

Increasing the capacity of law enforcement agencies in dealing with cases of human rights violations is important in the implementation of ideal human rights. Intensive training and institutional strengthening are needed to ensure that law enforcement processes related to human rights are carried out with professionalism, independence and transparency. The establishment of a special unit that focuses on handling cases of human rights violations can also strengthen the effectiveness of human rights enforcement in Indonesia ([H. Setiawan, 2021](#)).

In addition, there is a need for regional and international cooperation in the implementation of ideal human rights. Indonesia can strengthen engagement and cooperation with other countries, international organisations, and regional human rights institutions. Through this cooperation, Indonesia can obtain technical assistance, exchange experiences, and get support in efforts to improve human rights enforcement ([Ridwan, 2020](#)).

The challenges faced in implementing ideal human rights in Indonesia also need to be recognised. Strong awareness and commitment from all parties are needed to overcome these obstacles and challenges. This includes raising public awareness, improving the legal system, eliminating discrimination, closely monitoring human rights violations, and fair and proportional law enforcement.

The Concept of Human Rights Fiqh as a Reference for the Enactment of Human Rights

The concept of Fiqh of Human Rights, also known as Fiqh of Humanity, is an approach in Islamic law that places humanity as the main centre of attention. This approach prioritises the protection, justice and alignment of human rights. In the context of the enforcement of human rights, the concept of Fiqh of Human Rights can be a relevant reference ([Muhammad & Ridwan, 2021](#)).

The study of human rights fiqh which is also in line with Maqashidi fiqh is expected to be able to mature the thinking of Indonesian society ([Suroya, 2022](#)). Maqashid al-Syari'ah as the foundation of this fiqh tries to dialogue classical religious texts with contemporary issues in solving problems ([Tempo et al., 2019](#)). Fiqh HAM is a new treasure or literacy of contemporary Islamic science towards the harmony of life that is *baldatun thayyibatun wa rabbun ghafur* ([Tanjung & Ziaulhaq, 2022](#)).

The application of the concept of Fiqh Human Rights as a reference for the enforcement of human rights involves several important aspects:

- a) Protection and respect for human dignity: The concept of Fiqh Human Rights emphasises the importance of protecting and respecting the dignity of every individual. The enforcement of human rights must include the protection of life, liberty and human dignity as a whole, without discrimination and oppression.
- b) Social justice: The Fiqh concept of human rights emphasises the importance of social justice in society. The enforcement of human rights must take into account efforts to reduce social and economic inequalities and ensure equitable access to resources and public services. This includes the protection of economic, social and cultural rights for all individuals.
- c) Humanity in law enforcement: The Fiqh concept of human rights emphasises the importance of humanity in law enforcement. The enforcement of human rights must be done with a humane approach, prioritising justice, equality, and the avoidance of unnecessary suffering. In addition, effective and independent law enforcement mechanisms need to be in place to ensure compliance with human rights.
- d) Consultation and participation: The concept of Fiqh of Humanity encourages consultation and participation in decision-making that affects human rights. The enforcement of human rights should involve the active participation of people, including vulnerable groups, in the process of policy formulation and decision-making that affects their lives.

In applying the Fiqh concept of human rights or humanitarianism as a reference for human rights enforcement, it is important to consider the social, cultural, and political context in which Islamic law is applied. In addition, harmonisation with widely recognised international human rights standards also needs to be considered ([Rachman, 2016](#)).

By integrating the concept of Fiqh of Humanity in the enforcement of human rights, a framework can be created that is in line with Islamic principles and the protection of human rights. This approach ensures that human rights are implemented in a holistic manner, covering aspects that are important to humanity in the Islamic view ([Sudarto, 2021](#)).

Harmonisation of Islamic Law with Human Rights

Harmonisation between Islamic law and human rights is a complex but important issue to achieve in order to ensure the protection of individual rights in the context of a recognised religion ([Hisan & Santoso, 2020](#)). This harmonisation process involves steps such as inclusive interpretation of Islamic law in light of universal human rights principles. In interpreting Islamic law, it is necessary to take into account the historical and social context in which Islamic law was revealed as well as adjustments to the needs of modern times ([Rusdi, 2017](#)).

There are many values and principles in Islamic law that are in line with human rights, such as the principles of justice, equality, freedom of religion, and protection of individual rights. In harmonisation efforts, it is important to find common ground between the principles of Islamic law and human rights in order to strengthen the protection of human rights ([Muannif, 2017](#)).

In addition, consultation and dialogue between scholars who understand Islamic law and human rights experts is important. This dialogue process enables a better understanding of the

implications of Islamic law for human rights and seeks common ground between religion and the protection of individual rights ([Mayangsari R & Hasni Noor, 2014](#)).

Where there are incompatibilities between Islamic law and human rights, revisions to laws and policies are necessary to ensure the protection of human rights. This process should involve the participation and representation of all relevant stakeholders, including ulama, legal experts and human rights activists ([Maryamah et al., 2021](#)).

Public education and awareness of human rights and the religious values that underpin them also have an important role to play in this harmonisation. Through education programmes, training and campaigns that promote a balanced understanding of Islamic law and human rights, and the importance of harmonisation between the two, can increase public understanding and awareness ([Ridwan, Saleh, et al., 2021](#)).

Harmonisation between Islamic law and human rights is a complex and ongoing process. It must be undertaken with respect for the plurality of values and beliefs, and with a spirit of dialogue and cooperation. The aim is to strike the right balance between the protection of individual rights and respect for the religious values recognised in society ([Almaarif, 2016](#)).

The Idea of Human Rights Education in The Community

Human rights education in communities plays an important role in building awareness, knowledge and a strong understanding of human rights values and the importance of protecting and promoting human rights. The following are some ideas related to human rights education in the community:

- a) Integration of human rights in the education curriculum: Human rights education can begin by integrating human rights issues into the formal education curriculum, from primary school to university level. Learning materials that include an understanding of human rights, human values, pluralism, gender equality, as well as knowledge of human rights protection instruments and mechanisms, can be introduced in relevant subjects ([UUD 1945, 1945](#)).
- b) Training and workshops: Conduct training and workshops on human rights for various community groups, such as teachers, community leaders, social workers, youth, and civil society organisations. This training can provide a deeper understanding of human rights, strengthen advocacy skills, and build the ability to identify and report human rights violations.
- c) Public campaigns: Organise public campaigns involving mass media, digital platforms and social events to raise public awareness on human rights. These campaigns can convey important messages about human rights, evoke empathy, and build solidarity in protecting human rights.
- d) Empowerment through community organisations: Encourage people's active participation in human rights-focused organisations, such as human rights organisations, social advocacy agencies, and community groups. Through these organisations, communities can engage in advocacy, research, reporting of human rights violations, and fighting for the protection of human rights at the local and national levels ([Adnan et al., 2020](#)).
- e) Socialisation and dialogue: Organise socialisation and dialogue activities involving various community groups, including minority groups, women, children and indigenous communities. Through these dialogues, communities can share their experiences, perspectives and

understanding of human rights, creating a broader and more inclusive understanding of the importance of protecting human rights for all individuals ([Santika, 2021](#)).

Human rights education among communities is a long-term effort that requires collaboration between the government, educational institutions, civil society organisations, and all elements of society. Through this effort, we hope to create a society that has a strong awareness, understanding and commitment to the protection and promotion of human rights, and is able to contribute to building a society that is inclusive, just and respects the human rights of every individual.

CONCLUSION

As explained in the discussion above, the author can conclude that the findings of this research can be used as one of the problem solving in human rights issues. There are three things that must be promoted as a form of struggle in maintaining human rights in Indonesia, namely strengthening the values of Pancasila as a source of human rights values, the need for a common perception of the conception of the implementation of ideal human rights in Indonesia, and the idea of a human rights education movement among the community on an ongoing basis. Several things also need to be considered, such as increasing public awareness and understanding of human rights, human rights training and education for law enforcement officials, government officials, and related stakeholders. Public participation in the decision-making process and monitoring of the implementation of human rights arrangements is also needed. Supporting international cooperation with human rights-related institutions and organisations can help in obtaining best practices and wider knowledge exchange.

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