

CRITICAL ANALYSIS OF JUDGE POWER IN INDONESIA, VIEWED FROM FIQIH COMPARISON OF MAZHAB

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ABSTRACT

This research contains the Judicial Power in Indonesia. Judicial Power is an independent power exercised by a Supreme Court and a judicial body underneath it in the general court, religious court, military court, state administrative court, and by a Constitutional Court, to administer justice to enforce the law and justice. This research is a normative legal research, normative in nature. The approach used is a normative juridical approach. The types of data used are primary and secondary data. Based on the research and analysis conducted, it is concluded that the knowledge of the Trans-sectarian Power is very important to be studied by legal experts and scientists in Indonesia and the world in general. Because it does not rule out the possibility of a Revision of the Judicial Power Act wherein the rulers need to also pay attention to differences of opinion among the Fiqh Ulema..

Keywords: Constitution, Judicial Power and Comparative Jurisprudence of the Schools.

INTRODUCTION

Indonesia is a state of law, this is stated in article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia after the third amendment was ratified November 10, 2001. The meaning of this constitution is that all aspects of life in society, statehood and government must always be based on law. In the explanation of the 1945 Constitution of the Republic of Indonesia, it is said, among other things, that "The Indonesian state is based on law (Rechtsstaat) (Ni'matul Huda. 2005: 206) not based on mere power (machsstaat)". (Ahmad Muhamad Mustain Nasoha. 201: 1) Carl J. Friedrich in his book: "Constitutional Government and Democracy Theory and Practice in Europe and America" defines the constitution in 5 concepts: Philosophical, Structural, Legal Documentary (Documentarian), Procedural (Procedural). Hans Kelsen in his book "General Theory of Law and State" (Kukuh Fadli Prasetyo. 2012: 498) which was translated by Drs. Somardi told Indonesian students: "the constitution is the basis of the national legal system". Kelsen distinguishes the concept of constitution according to a review of Legal Theory and political theory. In the Oxford Dictionary Dictionary of Law, is defined as "the rules and practices that determine the composition and functions of the organs of the central and local government in a state and regulate the relationship between individual and the state". More about the constitution, K.C. Wheare revealed that the constitution is a collection of regulations that are usually collected in one document or several documents that are closely related. From the classical historical records there are many understandings of the constitution, which we still often encounter. The sources also vary, for example in the words of Ancient Greek Politeia and the Latin words Constitutio which are also

related to the word *jus*. It is in these two examples that the origin of the idea of constitutionalism was expressed by humanity and the relationship between the two terms in history. If the two terms are compared, it can be said that the oldest is the word *polytheia* which comes from Greek culture. (Muhamad Rakhmat., SH., MH. 2014: 33) Prof. Jimly Asshiddihie said that the constitutional highest objectives were: (1) justice; (2) order; and, (3) the embodiment of ideal values such as freedom or freedom and prosperity or shared prosperity, as formulated as a state goal by the founding fathers and mothers. (Jimly Asshiddiqie. 2009: 119) According to Herman Heller the Constitution written in a text is the highest law in force in a country. (Alwi Wahyudi. 2012: 243-244). In the language of the Constitution derived from the French *constituer* which means to form, the use of the term constitution meant is the formation of a State or formulating and declaring a State. In addition to the Constitution also known as the Basic Law. This second term is a translation from the Dutch language *Grondwet*. *Grond* means land or foundation and *wet* means law. (Muhammad Alim. 2010: 61) On the basis of this understanding, the constitution is equated with the understanding of basic law, which means it can be written and can not be written. (Sunarto. 2015: 88).

At present, at least there can be said that there are twelve principles of the rule of law, namely the Supremacy of the Constitution, equality before the law, the principle of legality (due process of law), Limitation of Power, Organs Independent Government, Independent and impartial Judiciary, Administrative Court, Constitutional Court, Protection of Human Rights, Democratic (demokratische-rechtsstaats), Functioning as a Means Realizing Welfare *Rechtsstaat*, and Transparency and Social Control. (Jimly Asshiddiqie, 2005: 154). Judicial Power in Indonesia is written as one, namely Chapter IX concerning Judicial Power. Consists of Article 24, Article 24A, Article 24B, Article 24C, and Article 25. And to be detailed in Law Number 48 of 2009 concerning Judicial Power. (Dachran Busthami, 2017: 5). Judicial power is divided into three chambers namely the Supreme Court, the Constitutional Court and the Judicial Commission. (Tutik Quarter, 2010: 200). Initially only 2. However, for the sake of strengthening checks and balances in the amendment to the 1945 Constitution is the birth of the Constitutional Court which is given the authority to examine the Act against the Constitution (Mahfud MD, 2010: 74). According to the statement of The Future of World Religions that Indonesia's population of Muslims in 2010 reached 209.12 million people, or about 87% of the total population. While Islam itself has a lot of Fiqh Schools that can be followed. Especially the 4 major schools are Maliki, Shafi'i, Hambali and Hanafi schools. (Nafiul Lubab and Novita Pancaningrum, 2015: 2) Although there are also other schools such as Az Zahiri. Then it is important to know the study of the School of Law in the chapter on Judicial Power as well as a critical study of Judicial Power. This journal will explore the Judicial Power in Indonesia in the Constitutional Perspective and Comparative Jurisprudence of the Schools.

Problem Statement

From the background of the above problem, the writer formulates the problem as follows:

- What are the views of the scholars of the school of judicial authority ?

Theoretical Review

1. Theory of Independence of Judicial Power.

According to Bambang Sutiyoso and Sri Hastuti Puspitasari, talking about the implementation of the independence of judicial power, there needs to be clear parameters that measure the independence of the judiciary or not, there are three kinds of judicial independence parameters,

namely the independence of the institution, the independence of the judicial process, and the independence of the judges. alone. (Aditya Wiguna Sanjaya, 2018: 52).

2. Legal Certainty Theory

Legal certainty is a guarantee that the law is carried out, that those who are entitled according to the law can obtain their rights and that the verdict can be implemented, legal certainty is a legal protection against arbitrary actions which means that someone will get something that is expected in certain circumstances. (Aditya Wiguna Sanjaya, 2018: 219).

3. Theory of Receptio in Complexu

Theory of Receptio in Complexu says that for each resident the law of each religion applies. For Muslims, Islamic law applies, so do followers of other religions. (Ahmad Muhamad Mustain Nasoha, 2015: 46).

Discussion

Bermazhab Law in the decision of the 1st Nahdhatul Ulama Conference on October 21, 1926 in Surabaya is a must for Muslims, which is to follow one of the 4 schools. Taken from Al-Mizan Al Kubra Book 1 page 34, Al-Fatawa AL-Kubra volume IV page 307, Sulamul Wushul volume III page 921 san volume IV pages 580 and 581. (LBM PBNU, 2010: 2). The School of Ulemas, especially the four schools of thought, had different opinions about the Judicial Power. Muhammad bin Abdurrahman Ad-Dimsyiq. 2018: 311), (Abdul Wahhab Sya'rani. 1971: 285).

In the opinion of Imam Maliki, Imam Shafi'i and Imam Hambali may not be in a position of judge if one does not have the expertise to perform jihad, such as those who do not know the methods of establishing the law. But Imam Hanafi said: May other than mujtahid hold the post of judge. While the scholars of Imam Hanafi followers disagree on this issue. Some of them require ijtihad to be a judge. Others allow ordinary people to be judges. They said, "Ordinary people lay down the law by way of taqlid, strictly speaking, putting a trust in a mujtahid." If the judge takes the law disputed by the Imam of the School, then the judge must take the opinion of only the Imam of the School, even though this is permissible. However, taking the opinion of a school of thought priest who grew up in a country and not knowing other than the opinion of a school of worship, then it is not good, or for example his ancestors or learn from a teacher who is holding on to one of the schools of faith, then this is not good, then he limits himself to follow his opinions so that if two people in dispute ask him for a decision, the case that must be decided includes a case that has been claimed by three other school priests. For example, the problem represents something that is not agreed upon by the disputing person. Even though he was a judge in the Hanafi school. Whereas in the Fiqh of Imam Maliki, Imam Syafi'i and Imam Hambali allow such representation, but Hambali does not allow it. Meanwhile, he does not have the argument in prioritizing the opinion of an Imam of the school of thought so he will be trapped in error. We should fear Allah azza wa jalla if he tends to follow the passions in deciding matters, and does not belong to those who pay attention to the opinions of others, then he chooses his own opinion which is considered better. Now we need to say that women cannot assume the position of judge according to Imam Maliki, Imam Syafi'i and Imam Hambali and the ruling is invalid, while Imam Hanafi believes that the law is permissible and the ruling is legal, provided that the case being handled is a case that can be accepted by his testimony. According to Hanafi, things that can be accepted by his testimony are all cases, except hudud which is in the Jinazat chapter. However, Imam Ibn Jarir adi-Tabari said that women may and legally be judges in all cases. Without limitation as the opinion of Imam Hanafi.

A legal judge, Fardhu Kifayah, decided that this case was the opinion of Imam Hanafi, Imam Maliki and Imam Syafi'i, so if all judges in the world went on strike or did not want to convene, all judges were subject to the law of sin. However, Imam Hambali in his history clearly said that giving his legal decision was not a fard kifayah and was not compulsory for someone who had the ability to be a judge, even though it was not obtained by anyone else. This means that if all the judges and capable people do not want to give a decision then not to be convicted of sin.

Corruption and being a judge by bribery by the school's priests agree is not justified. Judges appointed in this way are illegal. So that the decision is not punished legally because the judge's position is not valid. The school of faith agreed that deciding cases that were not in accordance with the knowledge of the legal judge were not allowed. This means that if the judge does not know, then he must study or ask the experts as happened in court. Meanwhile, if the judge really does not understand and master the law, then the judge cannot give a decision.

There is a problem that always arises in terms of the judicial ability, he decided the case based on his knowledge, in this case Imam Hanafi argued that something witnessed by the judge, namely the cases that required hudud, before serving as a judge or afterwards, should not be decided based on his knowledge. As for human rights cases, the judge is allowed to decide based on his knowledge, both before serving as a judge and afterwards. Imam Maliki and Imam Hambali said that judges were not permitted to decide cases based on their knowledge, both in the case of Allah Azza wa Jalla's rights and human rights cases. A valid opinion according to the Imam Syafi'i school of law is that the Judge may decide cases based on his knowledge of these matters, except in the case of hudud.

According to Imam Hanafi, judges are not obliged to buy and sell themselves. However, while Imam Maliki, Imam Syafi'i and Imam Hambali said that the Judge was not permitted or disliked to make purchases himself, but he should represent those purchases to others. Regarding language, if the judge does not understand the language of the person in dispute, he may appoint a translator. Thus according to the agreement of the opinion of the school of priests. The priests of the school differed on the number of translators, as well as on people whose justice and ugliness were unknown. Imam Hanafi and Imam Hambali in one of their narrations said that the testimony of someone who translated was enough. Even Imam Hanafi allows a woman as a translator.

In the opinion of Imam Shafi'i and other narrations from Imam Hambali said the interpreter's testimony could not be accepted if there were less than two people and had to be male, not hunsa (androgynous) or female. While Imam Maliki said: No two people cannot. He added that if his case was about the issue of recognition of property then it could be accepted with a man and two women. Whereas if it relates to legal matters of the body then it cannot be accepted unless it consists of two men.

The issue of resignation Judge Imam Al-Mawardi said that laying down due to aging may be the law. Whereas if it were not for some old age then it should not be. Therefore, the judge must not resign his position before notifying the priest and requesting dismissal from his position, because the judge according to him is assigned to an obligation that he should not waste. The Imam is obliged to dismiss if someone else replaces him. That is, he is seen as stopping legally after asking to stop and after being allowed by the priest. If it has not been permitted, then it has not been considered to be stopped and is invalid if one of them. Imam Mawardi explained that a judge who said, "I resign" was not considered dismissal or legal resignation, because the dismissal must be from the person who appointed him. Whereas the judge does not appoint himself so he must not fire himself. With his words, he was not automatically fired.

Im Shafi'i say that If a judge commits wickedness, then repents and is good, then there are two opinions. The most valid opinion is that you cannot return without a new appointment. It is very different from a judge who experiences crazy and epilepsy. If so, when he recovers from his insanity or epilepsy, he returns to being a judge without a new appointment. Imam Al-Harawi in his book *al-Ashraf* said that if a judge commits wickedness, then resigns, then repents, then he returns to being a judge. Such is the passage in the Imam Shafi'i School. Whereas Al-Qadhi said that if a judge commits wickedness then he is fired. But if he repents and regrets his actions then he is not fired.

The priests of the school differed in opinion about hearing the testimony of people whose inner justice was unknown. In this case Imam Hanafi said that the Judge must ask for justice in the heart if his case was in the form of *hudud* and *qiyas*. Meanwhile, if other cases are not necessary, unless there is a record of the opposing party. If this is the case, then the judge will examine it. The judge can hear the testimony and is sufficient with his outward justice. Whereas Imam Shafi'i, Imam Maliki and Imam Hambali in one history said that the Judge must not decide based on the witness's outward justice so that he knew his inner justice, whether the witness was noted by the opponent or not, both in the case of *had* and *not*. In another opinion, Imam Hambali said that the Judge may accept outwardly that the witness is a Muslim and does not need to examine his inner justice. This is the opinion chosen by the scholars of the Hambali School.

In the opinion of Imam Hanafi the Judge may not decide on a case if the person is not present, unless his position is occupied by someone else, such as a guardian or the person who received his will in this case could be his lawyer. Whereas Imam Maliki, Imam Syafi'i and Imam Hambali said that it was absolutely permissible.

If a judge decides a case that is detrimental to a person who is absent, a child, or a lunatic person, Imam Shafi'i has two opinions, and his most valid opinion is Must be sworn. While Imam Hambali said that there was no need to be sworn. The Imam of the School agreed that a judge's letter to another judge in the *hudud*, *qiyas*, marriage, *talak*, *khulu* *maslahah* was not acceptable. This is different from Imam Maliki, who accepted all these problems. Four of the school's priests agreed that the letter of the judge to other judges in matters of property rights could be received. But they differed on the nature of the judges who received the letter. Imam Hanafi, Imam Syafi'i and Imam Hambali said that the judge's letter could not be received until witnessed by two people who stated that the judge's letter had been read to them or read to him. Maliki has two histories in this matter. First, as is the opinion of the three priests above. Second, the two witnesses simply said, "This is the fulan judge's letter that we have witnessed." Like this the opinion of Abu Yusuf. On this issue, the scholars of the Hanafi school of thought differed. Imam Athahawi said that the *Had* was acceptable. While Imam Al-Bayhaqi said that what Imam Ath-Thahawi said was the opinion of Abu Yusuf, while the opinion of Imam Hanafi was not acceptable. This is the strong gasket in my view. Imam Shafi'i and Imam Hambali said: Unacceptable and needed a re-examination by another true judge. Such letters can be accepted if one country is another country far apart.

If two people submit the settlement of the case to an expert on *ijtihad*. Both of them said, "We accept your decision, then decide the law that occurs between us", whether the person's decision is binding on both. Imam Maliki and Imam Hambali say that Binding both, and no other decision is needed to satisfy them. The state judge must not cancel it, even though his opinion differs from that decision. In this case Imam Hanafi said that his decision was binding on the two of them if it was in accordance with the opinion of the state judge, and the state judge had to justify the decision and carry it out if it was reported to him. Whereas if it is not in accordance with the decision of a

state judge then he has the right to cancel it, even if in the case it is decided there is a dispute of opinion among the mujtahid priests. Imam Shafi'i has two opinions on this issue. First, it must be accepted. Second, it does not have to be accepted, unless both are willing, in fact it is nothing but a fatwa. The difference of opinion in the matter of this tahkim must be returned to the decision in the treasure. Meanwhile, in matters of li'an, qiyas, marriage and hudud, not permitted to judge. According to the agreement. If a judge forgets about a decision that has been set, and then witnesses by two witnesses that the conviction has decided this way, then the testimony of the two people can be accepted and can be decided based on their testimony. Thus in the opinion of Imam Maliki and Imam Hambali. Whereas Imam Hanafi and Imam Shafi'i said that the testimonies of the two witnesses could not be accepted, and should not hold on to the witness's words in that he remembered well that he had decided so.

In the opinion of Imam Hanafi and Imam Hambali If the judge, when taking office, said, "I have decided against this person with something" then the judge's decision can be accepted and the decision must be carried out. While Imam Maliki said that the judge's ruling could not be accepted until witnessed by only two people who were just. In this case Imam Shafi'i has two opinions on this issue. First, as the opinion of Imam Hanafi. Second, as Imam Maliki argues. In the opinion of Imam Hanafi, Imam Maliki and Imam Syafi'i, if the judge after quitting his position said, "When I assumed the post of judge, I have decided this way" then that confession cannot be accepted. Meanwhile, according to Imam Hambali, his words can be accepted.

According to Imam Maliki, Imam Shafi'i and Imam Hambali. The judge's decision did not change the case, while the only law was in force. Therefore, if someone sues the decision based on the two witnesses, and both testify correctly and honestly, the lawful right is for the plaintiff, both physically and mentally. If the two witnesses testify with false statements, then the right of birth is the property of the plaintiff, but in essence remains the property of the person defeated, both in matters of marriage and property. While Imam Hanafi argues that the judge's decision regarding the contract or cancellation of the contract, can change the nature of the case and can be enforced, both according to lahiriyahnya and bathiniyahnya. The priests of the school agreed that if a judge made a pilgrimage to decide a problem, then it turned out that the ijthad was wrong, then the decision would not be invalidated. Likewise, if confronted with the verdict of other judges that is contrary to the results of his ijthad, he must not cancel the decision on the results of his ijthad.

Conclusion

Judicial Power is one of the very important State Institutions. This Judicial Power is elaborated using the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power. Based on Global Religius data, Indonesia's Muslim population in 2010 reached 209.12 million people or around 87% of the total population. Islam itself in carrying out Shari'a has a lot of schools of Fiqh. In one problem sometimes there can be many differences between the Muslim Scholars. The size of the Indonesian population does not rule out the possibility that if the opinion of the School which is used as a large population is difficult to apply, then it can use the opinion of other schools with the provisions in the Mu'tabarah Books, for example, may not be talfiq and so forth. We must ensure that the power that is expected to bring justice really can work as much as possible. So the knowledge of the Trans-sectarian Power is very important to be studied by legal experts and scientists in Indonesia and the world in general.

References

- Ad-Dimasqi, Abdurrohman. 2010. *Rohmatul Ummah Fi Al-Ikhtiulatul A'immah*. Bandung : Hasyimi Press.
- Ahmad Muhamad Mustain Nasoha. *Analisis Wewenang Polri Dalam Rangka Penanggulangan Tindak Pidana Terorisme Di Indonesia Ditinjau Dari Segi Hak Asasi Manusia*. 2014. Fakultas Hukum Universitas Sebelas Maret.
- Al-Ahkam, *Jurnal Pemikiran dan Pembaharuan Hukum Islam*, Volume. XX/EdisiII/Oktober 2009.
- Alim, Muhammad. 2010. *Asas-asas negara Hukum Modern dalam Islam*. Yogyakarta : LkiS Yogyakarta.
- Al-Maktabah Syumila NU Fiiha. www.ldnu.or.id. Jakarta : LTN NU.
- Anwar Rachman. 2016. *Hukum Perselisihan Partai Politik*. Jakarta : PT. Gramedia Pustaka Utama.
- Apeldroon, Prof. Dr. Mr. L.J Van. *Pengantar Ilmu Hukum*. 2009. Jakarta : PT. Pradnya Paramita.
- Asshiddiqie, Jimly. 2005. *Demokrasi Dan Hak Asasi Manusia Indonesia*. Jakarta: Materi yang disampaikan dalam *studium general* pada acara The 1st National Convergence Corporate Forum for Community Development, Jakarta, 19 Desember 2005.
- Asshiddiqie, Jimly. 2005. *Konstitusi & Konstitusionalisme Indonesia*. Edisi Revisi. Jakarta: Konstitusi Press.
- Dachran Busthami. 2017. *Kekuasaan Kehakiman Dalam Perspektif Negara Hukum di Indonesia*. Makasar : Fakultas Hukum, Universitas Muslim Indonesia, dalam Jurnal Masalah - Masalah Hukum, Jilid 46 No. 4, Oktober 2017.
- Dr. H. Muhamad Rakhmat., SH., MH. 2014. *Konstitusi & Kelembagaan Negara*. Bandung : LoGoz Publishing Office Residence.
- Endrawati, Netty. 2014. *Petunjuk Penulisan Usulan Penelitian dan Tesis*. Kediri : UNISKA Kediri.
- Huda, Ni'matul. 2005. *Hukum Tata Negara Indonesia*. Depok : PT. Rajagrafindo Persada.
- Jimly Asshiddiqie. 2005. *Konstitusi & Konstitusionalisme Indonesia*, Edisi Revisi. Jakarta: Konstitusi Press.
- Jimly Asshiddiqie. *Gagasan Dasar Tentang Konstitusi Dan Mahkamah Konstitusi*. Jakarta : Mahkamah Konstitusi.
- Jimly, Asshiddiqie. 2009. *Pengantar Ilmu Hukum Tata Negara*. Depok : PT. Rajagrafindo Persada.
- Kansi dan Christien S.T. Kansil. 2009. *Hukum Tata Negara Indonesia*. Jakarta : PT Sinar Grafika.
- Kukuh Fadli Prasetyo. 2012. *Politik Hukum di Bidang Ekonomi dan Pelembagaan Konsepsi Welfare State di dalam Undang-Undang Dasar 1945* dalam Jurnal Konstitusi, Volume 9, Nomor 3, September 2012 .
- LBM PBNU. 2010. *Solusi Problematika Aktual Hukum Islam*. LTN NU, Surabaya.
- Mahfud MD, Moh. 2010. *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi*. Jakarta : PT. Rajagrafindo Persada.
- Muhammad bin Abdurrahman Ad-Dimsyiq. 2018. *Rahmatul Ummah Fi Ijhtilatil Aimmah*. Haramain.
- Mujibah, Khikmatul. 2008. *Studi Analisis Pemikiran Madzhab Syafi'i tentang Kleptomania*. Jogjakarta : UIN Suka.
- Munawwir, Achmad Warson. 1997. *Kamus Al-Munawwir Arab-Indonesia Terlengkap*. Surabaya : Pustaka Progressif.
- Nafiul Lubab dan Novita Pancaningrum. *Mazhab: Keterkungkungan Intelektual Atau Kerangka Metodologis (Dinamika Hukum Islam)* STAIN Kudus Jurnal YUDISIA, Vol. 6, No. 2, Desember 2015.

- Pan Mohamad Faiz, 2008, *Penafsiran Konsep Penguasaan Negara Berdasarkan Pasal 33 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Dan Putusan Mahkamah Konstitusi Dalam*. ([Http://Www.Jurnalhukum.Blogspot.Com](http://Www.Jurnalhukum.Blogspot.Com)), 14 Juni 2020, 20.00
- Pm. Dr Hussin Bin Salamon, Dkk. 2008. *Kajian Kesan Perbezaan Aliran Mazhab Ke Atas Kesatuan Masyarakat Islam* Kajian Kes : Pelajar Dan Staf Utm No. Vot Penyelidikan: 71867. Pusat Pengurusan Penyelidikan. Universiti Teknologi Malaysia.
- Sukardja, Ahmad. 2012. *Hukum Tata Negara dan Hukum Administrasi Negara dalam Perspektif Fikih Siyasah*. Jakarta : PT. Sinar Grafika.
- Sunarto. 2015. *Pengantar Hukum Tata Negara*. Yogyakarta. PT. Magnum Pustaka Utama.
- Sya'rani, Abdul Wahhab. 1971. *Mizanul Kubro*. Beirut : Darul Kutub Ilmiah.
- Syarifuddin, Amir. 2008. *Ushul Fiqih Jilid 1*. Jakarta : Kencana Prenada Media Group.
- The Future Of World Religions dalam <http://www.globalreligiousfutures.org/> diakses pada Minggu, 14 Juni 2020, pukul 20.00.
- Triwulan Tutik, Titik. 2010. *Kontruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*. Jakarta : PT. Kencana Prenada Media Goup.
- Wahyudi, Alwi. 2012. *Hukum Tata Negara Indonesia (dalam Perspektif Pancasila Pasca Reformasi)*. Yogyakarta : PT. Pustaka Pelajar.
- Zaenal Fanani, Ahmad, *Teori Keadilan dari perspektif Filsafat Hukum dan Islam* (Hakim PA Martapura; mahasiswa program doktor (S3) ilmu hukum UII Yogyakarta).