

Disparity in Criminal Judgments and the Application of the Principles of Justice in Padangsidempuan City: An Analysis of Islamic Criminal Law

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Abstract:

This study is motivated by issues in criminal sentencing practices that reveal differences in court decisions in cases with relatively similar characteristics, raising questions about the consistency of applying the principle of justice within the criminal justice system. The research problems include the application of the principle of justice in criminal sentencing in Padangsidempuan City, the analysis of Islamic criminal law regarding such implementation, and the factors influencing the realization of justice in criminal judgments. This study aims to analyze the implementation of the principle of justice in criminal court practice and assess its conformity with the values of Islamic criminal law. The method used is empirical legal research with normative juridical and sociological approaches. Data were obtained through literature study, analysis of legislation, court decisions, and empirical data related to criminal law enforcement practices in the field. The analysis is conducted qualitatively by examining the alignment between positive legal norms, judicial practice, and the value of justice from the perspective of Islamic criminal law. The findings show that normatively, the application of the principle of justice in Padangsidempuan City has been guided by applicable positive legal provisions and sentencing principles. However, substantively, disparities in decisions are still found in similar cases due to differences in judges' interpretations of justice, legal certainty, and legal benefit. This indicates that the implementation of justice is not yet fully uniform and is still influenced by judicial subjectivity. From the perspective of Islamic criminal law, justice is not only measured by conformity with positive law but also by public welfare (*maṣlaḥah*), protection of victims' rights, the condition of the offender, and social balance. Influencing factors include regulations, integrity of law enforcement officers, socio-economic conditions, legal culture, and public legal awareness. Therefore, strengthening judicial integrity and integrating *maqāṣid al-syarī'ah* values are necessary to ensure more consistent and equitable judgments.

Kata Kunci: Prinsip Keadilan, Penjatuan Pidana, Putusan Hakim, Hukum Pidana Islam, Kota Padangsidempuan.

Abstrak:

Penelitian ini dilatarbelakangi oleh adanya permasalahan dalam praktik penjatuan pidana yang menunjukkan perbedaan putusan terhadap perkara dengan karakteristik yang relatif sama, sehingga menimbulkan pertanyaan mengenai konsistensi penerapan prinsip keadilan dalam sistem peradilan pidana. Permasalahan penelitian ini meliputi penerapan prinsip keadilan dalam penjatuan pidana di Kota Padangsidempuan, analisis hukum pidana Islam terhadap penerapan tersebut, serta faktor-faktor yang memengaruhi terwujudnya keadilan dalam putusan pidana. Penelitian ini bertujuan untuk menganalisis implementasi prinsip keadilan dalam praktik peradilan pidana serta menilai kesesuaiannya dengan nilai-nilai hukum pidana Islam. Metode yang digunakan adalah penelitian hukum empiris dengan pendekatan yuridis normatif dan sosiologis. Data diperoleh melalui studi kepustakaan, analisis peraturan perundang-undangan, putusan pengadilan, serta data empiris terkait praktik penegakan hukum pidana di lapangan. Analisis dilakukan secara kualitatif dengan menelaah kesesuaian antara norma hukum positif, praktik peradilan, dan nilai keadilan dalam perspektif hukum pidana Islam. Hasil penelitian menunjukkan bahwa secara normatif penerapan prinsip keadilan di Kota Padangsidempuan telah berpedoman pada ketentuan hukum positif dan asas pemidanaan yang berlaku. Namun secara substantif

masih ditemukan disparitas putusan pada perkara yang serupa akibat perbedaan penafsiran hakim terhadap keadilan, kepastian hukum, dan kemanfaatan hukum. Hal ini menunjukkan bahwa implementasi keadilan belum sepenuhnya seragam dan masih dipengaruhi subjektivitas yudisial. Dalam perspektif hukum pidana Islam, keadilan tidak hanya diukur dari kesesuaian dengan hukum positif, tetapi juga kemaslahatan, perlindungan hak korban, kondisi pelaku, dan keseimbangan sosial. Faktor yang memengaruhi meliputi regulasi, integritas aparat, kondisi sosial ekonomi, budaya hukum, dan kesadaran hukum masyarakat. Oleh karena itu, diperlukan penguatan integritas peradilan serta integrasi nilai maqāṣid al-syarī'ah agar putusan lebih konsisten dan berkeadilan.

Introduction

Criminal law enforcement basically does not only aim to realize legal certainty, but must also reflect substantive justice values.¹ This is in line with the purpose of criminalization in the Indonesian legal system as reflected in the Criminal Code (KUHP) which emphasizes the balance between certainty, utility, and justice.² In addition, the principle of *due process of law* in the criminal justice system also requires that every judge's decision reflects justice for all parties to the case. However, in practice, the implementation of the principle of justice often does not run uniformly in every judge's decision.³

The phenomenon of disparity in criminal verdicts is still often found, especially in cases that have relatively similar characteristics and elements of criminal acts.⁴ The difference in the sentencing of the crime raises questions about the consistency of the application of the principle of justice in judicial practice. This condition is also seen in several court decisions in Padangsidempuan City, which show that there are variations in the determination of the severity of the crime for similar cases.⁵ Normatively, this is related to the authority of judges based on Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which states that judges are obliged to explore, follow, and understand the legal values and sense of justice that lives in society.⁶

¹ Eric Rahmanul Hakim, "Penegakan Hukum Lingkungan Indonesia Dalam Aspek Kepidanaan," *Media Keadilan: Jurnal Ilmu Hukum* 11, no. 1 (2020): 43-54.

² Muchlas Rastra Samara Muksin, "Tujuan Pidana Dalam Pembaharuan Hukum Pidana Indonesia," *Sapientia Et Virtus* 8, no. 1 (2023): 225-47. <https://doi.org/10.37477/sev.v8i1.465>

³ Linda Novianti, "Pidana Mati Terhadap Tindak Pidana Terorisme Di Indonesia Dihubungkan Dengan Tujuan Pidana Dalam Perspektif Hukum Positif Dan Hukum Pidana Islam," *Jurnal Syntax Imperatif: Jurnal Ilmu Sosial Dan Pendidikan* 4, no. 1 (2023): 50-70. <https://doi.org/10.36418/syntax-imperatif.v4i1.221>

⁴ Putri Melinda, "Analisis Disparitas Putusan Tindak Pidana Tentang Pengedaran Obat Tanpa Izin Edar.," *Journal of Comprehensive Science (JCS)* 4, no. 3 (2025). Doi. 10.59188/jcs.v4i3.3069

⁵ Reyhan Jamaluddin Syamsu and I Made Wirya Darma, "Disparitas Sanksi Pidana Dalam Putusan Tindak Pidana Pengeroyokan," *Vidhisastya: Journal for Legalscholars* 1, no. 4 (2024): 301-21.

⁶ Susiana Soeganda, "Implementasi Pasal 10 Ayat (1) Jo Pasal 5 Ayat (1) Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman Yang Mewajibkan Hakim Untuk Menemukan Hukum Dikaitkan Dengan Putusan Mahkamah Konstitusi Republik Indonesia Nomor 46/PUU-XIV/2016," *Jurnal Hukum Media Justitia Nusantara* 8, no. 2 (2018): 52-83.

In the context of Islamic criminal law, justice is not only interpreted as conformity with normative rules, but also includes the dimension of benefit (*maṣlaḥah*), balance of rights, and protection of the interests of society.⁷ The principle of *maqāṣid al-syarī'ah* emphasizes the importance of protecting religion, soul, intellect, property, and honor as the basis for realizing essential justice in law enforcement. This is also in line with the value of justice in QS. An-Nisa verse 58 and QS. Al-Maidah verse 8 which emphasizes the obligation to uphold justice objectively.⁸

One of the relevant theories in this study is John Rawls's theory of justice which places justice as *fairness*, which is a condition in which every individual receives equal treatment before the law and gets his or her rights proportionately.⁹ In the context of criminal law, this theory emphasizes that punishment must be carried out objectively without being influenced by the social, economic, or power status that a person has.¹⁰

In addition, the theory of the purpose of punishment which explains that crime is not only aimed at providing retribution (*retributive theory*),¹¹ but also has the functions of prevention (*deterrence*), rehabilitation of perpetrators (*rehabilitation*), and community protection (*social defence*).¹² In the perspective of Islamic criminal law, the purpose of punishment is closely related to the concept of *maqāṣid al-syarī'ah*¹³ which aims to protect religion, soul, intellect, descent, and property.¹⁴ Therefore, justice in Islamic criminal law is not only oriented towards punishment, but also on the realization of benefits for individuals and society.¹⁵

To affirm the position of this research, this section describes several relevant previous researches, including: First, Ahmad Fauzi's research on the principle of justice in criminal law enforcement in Indonesia shows that substantive justice often faces obstacles due to differences in legal interpretation by law enforcement officials.¹⁶ Second, Rina Marlina's research on substantive justice in judges' decisions in criminal

⁷ Ahmad Ibnu Aqil Assaidi, "Konvergensi Hukum Jinayah Islam Dan Hukum Pidana Modern: Telaah Normatif Dan Praktis," *Jurnal Al-Nadhair* 4, no. 01 (2025): 42-54. <https://doi.org/10.61433/alnadhair.v4i01.122>

⁸ Theo Huijbers, *Filsafat Hukum dalam Lintasan Sejarah* (Yogyakarta: Kanisius, 1995), hlm. 196-201.

⁹ John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), hlm. 11-17.

¹⁰ Muhammad Iqbal, "Peran Hakim dalam Mewujudkan Keadilan pada Sistem Peradilan Pidana," *Jurnal Yudisial Indonesia*, Vol. 5, No. 2, 2020, hlm. 89. <https://doi.org/10.29123/jyi.v5i2.2154>.

¹¹ Muladi dan Barda Nawawi Arief, *Teori-Teori dan Kebijakan Pidana* (Bandung: Alumni, 2010), hlm. 10-15

¹² Andi Hamzah, *Sistem Pidana dan Pemidanaan Indonesia* (Jakarta: Pradnya Paramita, 2019), hlm. 27-31.

¹³ Abu Ishaq al-Shatibi, *Al-Muwafaqat fi Ushul al-Syarī'ah*, Volume II (Beirut: Dar al-Kutub al-'Ilmiyyah, 2004), pp. 8-10

¹⁴ Rahman Saleh, "Tujuan Pemidanaan dalam Hukum Pidana Islam," *Jurnal Hukum Islam Kontemporer*, Vol. 4, No. 2, 2020, hlm. 88. <https://doi.org/10.32699/jhik.v4i2.3981>.

¹⁵ Nurhayati, "Prinsip Proporsionalitas Hukuman dalam Hukum Pidana Islam," *Jurnal Al-Ahkam*, Vol. 9, No. 1, 2022, hlm. 66. <https://doi.org/10.15408/al-ahkam.v9i1.8427>

¹⁶ Ahmad Fauzi, "Prinsip Keadilan dalam Penegakan Hukum Pidana di Indonesia," *Jurnal Hukum dan Keadilan*, Vol. 8, No. 2, 2021, hlm. 45. <https://doi.org/10.32502/jhk.v8i2.3121>.

cases found that judges' decisions are not only determined by normative aspects, but also influenced by social considerations that develop in society.¹⁷ Third, Abdul Karim's research on the concept of justice in Islamic criminal law explains that the principle of Islamic justice emphasizes the balance between the rights of the perpetrator, the rights of the victim, and the benefit of the community.¹⁸

Although the three studies discuss the concept of justice in criminal law and Islamic criminal law, the research is still general and has not specifically examined the application of the principle of justice in criminal sentencing at the level of judicial practice in Padangsidempuan City. In addition, previous research has not comprehensively linked the criminal practices carried out by judges to the principles of justice in the perspective of Islamic criminal law.¹⁹

This research is important considering that there are still differences in public perception of criminal verdicts handed down by the court. Some people consider that there is a criminal disparity in cases that have similar characteristics, which raises doubts about the application of the principle of justice. These conditions need to be studied scientifically to find out the extent to which the principle of justice has been applied in the practice of criminal sentencing and how Islamic criminal law views the phenomenon. The results of this research are expected to contribute to the development of criminal law and become evaluation material for law enforcement officials in realizing a fairer justice system.

The novelty of this research lies in the analysis of the application of the principle of justice in criminal sentencing in the city of Padangsidempuan using an empirical legal approach combined with the perspective of Islamic criminal law. In contrast to previous research that discussed the concept of justice in a normative manner, this study focuses on the analysis of the practice of criminal sentencing by judges, factors that affect the application of justice in criminal decisions, and its relevance to the principles of justice and benefits in Islamic criminal law. Thus, this research is expected to be able to provide a more comprehensive picture of the relationship between positive law and Islamic criminal law in realizing substantive justice in society.

Therefore, an analysis of the application of the principle of justice in criminal decisions is important to be carried out, especially in the city of Padangsidempuan. This study not only looks at the normative aspects of positive law, but also assesses its conformity with the values of Islamic criminal law which emphasizes more on substantive justice and the benefit of the ummah. Based on this, this research is expected to contribute to enriching the study of criminal law, especially related to the

¹⁷ Rina Marlina, "Keadilan Substantif dalam Putusan Hakim pada Perkara Pidana," *Jurnal Lex Suprema*, Vol. 3, No. 1, 2022, hlm. 72. <https://doi.org/10.36859/jls.v3i1.4287>.

¹⁸ Abdul Karim, "Konsep Keadilan dalam Hukum Pidana Islam," *Jurnal Syariah dan Hukum Islam*, Vol. 6, No. 2, 2021, hlm. 58. <https://doi.org/10.24235/syariah.v6i2.7341>.

¹⁹ Fadli Hasan, "Etika Hakim dalam Perspektif Hukum Islam," *Jurnal Syariah Justice*, Vol. 5, No. 1, 2023, hlm. 54. <https://doi.org/10.54321/sj.v5i1.6124>.

application of the principle of justice in judges' decisions. In addition, this research is also expected to be able to be an evaluation material in order to improve the quality of law enforcement that is more fair, consistent, and oriented towards the benefit of the community.

Method

This study uses a type of empirical legal research combined with a normative approach. Empirical legal research in this study is used to see firsthand how the application of the principle of justice in the imposition of criminal sentences in the city of Padangsidempuan through judicial practice and public views on criminal decisions. Meanwhile, the normative aspect of this study lies in the study of the provisions of criminal law, the principles of justice, and the concept of justice in Islamic criminal law which are sourced from the Qur'an, hadith, fiqh rules, and laws and regulations that apply in Indonesia. Thus, this study not only examines the law as a written norm, but also looks at its implementation in people's lives and law enforcement practices.²⁰

The research approaches used are the statute *approach*, the *conceptual approach*, and the *sociological approach*. The legislative approach is carried out by examining various legal rules related to the imposition of criminal penalties and the principle of justice in the Indonesian legal system. The conceptual approach is used to examine the concept of justice according to Islamic criminal law as well as legal theories related to criminality. Meanwhile, the sociological approach is used to understand the application of the principle of justice in the practice of imposing criminal penalties in the community of Padangsidempuan City.²¹

The legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the Qur'an, hadiths, the Criminal Code (KUHP), Law Number 48 of 2009 concerning Judicial Power, as well as various court decisions related to criminal cases. Secondary legal materials are in the form of law books, scientific journals, research results, articles, and literature that discuss criminal law and Islamic criminal law. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting materials related to research.²²

The technique of collecting legal materials is carried out through literature studies and field studies. Literature studies are carried out by collecting and studying various literature, journals, laws and regulations, and legal documents related to the object of research. Meanwhile, the field study was carried out through observation and

²⁰Rahmat Hidayat, "Metode Penelitian Hukum Empiris dalam Kajian Hukum Pidana," *Jurnal Ilmu Hukum Nusantara*, Vol. 4, No. 2, 2021, hlm. 87. <https://doi.org/10.46799/jihn.v4i2.4123>

²¹Nurhayati, "Prinsip Proporsionalitas Hukuman dalam Hukum Pidana Islam," *Jurnal Al-Ahkam*, Vol. 9, No. 1, 2022, hlm. 66. <https://doi.org/10.15408/>

²²Nur Azizah, "Penggunaan Bahan Hukum Primer dan Sekunder dalam Penelitian Hukum," *Jurnal Legalitas*, Vol. 9, No. 2, 2020, hlm. 103. <https://doi.org/10.32678/legalitas.v9i2.3187>

interviews with parties related to the application of criminal punishment, such as law enforcement officials and the community. This technique was carried out to obtain more complete data on the application of the principle of justice in the practice of imposing criminal sentences in Padangsidempuan City.²³

The analysis method used in this study is qualitative descriptive analysis. The data obtained were analyzed by decomposing, connecting, and interpreting various data related to the principle of justice in the imposition of criminal sentences.²⁴ Furthermore, the data is associated with Islamic criminal law theories and positive legal provisions so that systematic conclusions are obtained regarding the application of the principle of justice when imposing criminal sentences in Padangsidempuan City.²⁵

Result and Discussion

The Concept of Justice in the Criminal Justice System in Indonesia

Justice is one of the main goals in criminal law enforcement that cannot be separated from the essence of the state of law.²⁶ In the Indonesian legal system, the principle of justice has a constitutional basis as stated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which affirms that everyone has the right to fair legal recognition, guarantee, protection, and certainty. This provision shows that justice is not only normative, but also a constitutional right of every citizen that must be guaranteed by the state through law enforcement officials.²⁷

In addition, Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power emphasizes that judges are obliged to explore, follow, and understand the legal values and sense of justice that live in society. This provision provides room for judges to not only adhere to written law, but also to consider the sociological aspects and values of substantive justice that are developing in society. Thus, justice in Indonesian criminal law has a dynamic and contextual dimension.

In the practice of criminal justice, justice is often faced with challenges in the form of disparity in verdicts. This shows that the application of the principle of justice is not completely uniform, because it is influenced by differences in judges' interpretations of legal facts, evidence, and considerations of the value of legal

²³Fajar Ramadhan, "Teknik Pengumpulan Data dalam Penelitian Hukum Empiris," *Jurnal Rechtsidee*, Vol. 5, No. 1, 2023, hlm. 64. <https://doi.org/10.21070/rechtsidee.v5i1.7521>

²⁴M. Yusuf Harahap, "Islamic Justice Values in the Criminal Justice System," *Ius Islamica Journal*, Vol. 7, No. 2, 2022, p. 99. <https://doi.org/10.55281/iusislamica.v7i2.5147>.

²⁵Syarifuddin, "Analisis Data Kualitatif dalam Penelitian Hukum," *Jurnal Hukum dan Peradilan*, Vol. 11, No. 3, 2021, hlm. 121. <https://doi.org/10.25216/jhp.v11i3.5412>

²⁶Vivi Ariyanti, "Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia," *Jurnal Yuridis* 6, no. 2 (2019): 33-54. <https://doi.org/10.35586/jyur.v6i2.789>

²⁷Muhammad Aziz Zaelani Adelina Intan Permatasari, "Tinjauan Yuridis Terhadap Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Berdasarkan Pasal 28 D Ayat (1) Uud Ri 1945 Sebagai Wujud Kepastian Hukum Bagi Konsumen," in *Seminar Nasional" Perlindungan Hukum Terhadap Tenaga Kesehatan Dan Pasien Dalam Perspektif UU No. 36 Tahun 2014"* (Universitas Islam Batik Surakarta, 2017).

usefulness and certainty. Therefore, justice in the criminal justice system cannot only be understood formalistically but must include broader substantive aspects.

In the perspective of Islamic criminal law, justice has a very central position as the main goal of the sharia (maqāṣid al-shari'ah). Allah SWT says in Surah An-Nisa verse 58 which emphasizes the obligation to uphold justice in every legal decision, and in Surah Al-Maidah verse 8 which commands Muslims to act justly because justice is closer to piety. These verses affirm that justice is a divine principle that is the basis of morals and laws in Islam.²⁸

According to Imam Al-Ghazali, justice in Islamic law is not only oriented towards compliance with the legal text, but also on the achievement of benefits (maṣlaḥah) and the prevention of harm (mafsadat). Justice must be able to maintain the five main objectives of sharia, namely the protection of religion, soul, intellect, property, and honor. Thus, justice has a protective as well as transformative function in social life.²⁹

Based on this, it can be understood that the concept of justice in the criminal justice system is an integration between formal justice in positive law and substantive justice in Islamic criminal law. The balance between the two approaches is crucial to ensure that each judge's decision is not only legally valid, but also reflects fair moral, social, and humanitarian values.

Justice in Criminal Judges' Decisions in Padangsidempuan City: Normative and Empirical Studies

Criminal law enforcement is essentially not only oriented to legal certainty, but must also reflect the value of justice that can be perceived by the community. In this context, the judge's decision is an important instrument in realizing justice, especially in criminal cases in Padangsidempuan City through a normative and empirical approach.³⁰

Based on Decision Number 138/Pid.B/2025/PN.Psp concerning the crime of theft, the panel of judges sentenced the defendant to prison after considering the legal evidence, witness statements, and aggravating circumstances and mitigating the defendant. In his consideration, the judge is not only guided by the elements of criminal acts as regulated in the Criminal Code, but also considers the social conditions and life background of the defendant. According to the author's analysis, these

²⁸ Kasman Bakry et al., *Pengantar Hukum Islam* (PT. Sonpedia Publishing Indonesia, 2026).

²⁹ Muhammad Rizal Akbar, "Keadilan Sebagai Poros Daulat: Studi Komparatif Pemikiran Politik Al-Ghazali Dan Penerapannya Di Kesultanan Melayu," *IHSAN: Jurnal Pendidikan Islam* 4, no. 1 (2026): 132-38. <https://doi.org/10.61104/ihsan.v4i1.4613>

³⁰ Bakhrul Amal and Novi Fitriani, "Implikasi Positivisme Terhadap Penegakan Hukum Di Indonesia Ditinjau Dalam Perspektif Hukum Positif Dan Hukum Islam," *Al-IHKAM Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakshiyah Fakultas Syariah IAIN Mataram* 18, no. 1 (2026): 108-31. <https://doi.org/10.20414/alihkam.v18i1.15443>

considerations show the judge's efforts to apply substantive justice by balancing legal certainty and human values in the criminal process.

Furthermore, in Decision Number 283/Pid.B/2025/PN.Psp regarding the crime of persecution, the judge imposed a different sentence from other cases that have almost similar characteristics. This difference shows the discretion of the judge in determining the severity of the crime based on the facts of the trial and judicial convictions. However, this condition has the potential to cause the perception of criminal disparity if the basis of legal considerations used is not explained comprehensively and transparently in the verdict.

In addition, in Decision Number 254/Pid.Sus/2025/PN.Psp related to narcotics crimes, the judge not only considered the criminal aspects that are repressive, but also the rehabilitative and coaching aspects of the defendant. These considerations show that the purpose of punishment has been directed not solely to punishment, but also to the restoration of the perpetrator's condition, which is in line with the principle of benefit in Islamic criminal law.

From the three decisions, it can be analyzed that the application of the principle of justice in the Padangsidempuan District Court has basically tried to integrate the values of legal certainty, justice, and legal utility. However, there are still variations in the imposition of criminal sentences on cases that have similar characteristics, which shows that there is room for discretion of judges in judicial practice.

From the perspective of Islamic criminal law, such distinctions can be justified as long as they are based on objective, proportional, and benefit-oriented considerations (*maṣlaḥah*). The discretion of the judge is considered valid as long as it does not deviate from the principle of justice (*al-'adl*) and does not cause disproportionate losses to the parties. On the other hand, if the difference in verdict is not accompanied by clear, rational, and accountable legal arguments, then it can cause substantive injustice and potentially contradict the principle of justice in Islamic law. Therefore, transparency and the quality of judges' considerations are important factors in maintaining the integrity and legitimacy of criminal decisions.

In addition, in imposing the verdict, the judge also considered the aggravating circumstances and mitigated the defendant as part of efforts to realize individual justice. These considerations include the background of the act, the social condition of the perpetrator, the attitude of the defendant during the trial, and the impact caused by the criminal act on the victim and the community. Thus, normatively, the principle of justice has become an important part of the criminal sentencing process.³¹

³¹ Fence M. Wantu, "Mewujudkan Kepastian Hukum, Keadilan dan Kemanfaatan dalam Putusan Hakim di Peradilan Perdata," *Jurnal Dinamika Hukum*, Vol. 12, No. 3, 2020, hlm. 481-482, <https://doi.org/10.20884/1.jdh.2020.12.3.121>

However, the results of the study show that there is still a disparity in verdicts for cases that have relatively similar characteristics. This difference is basically inseparable from the independence of the judge in assessing and interpreting the legal facts revealed at the trial. Judges have judicial freedom to determine the severity of the crime based on their beliefs and legal considerations.

According to the author, disparity in verdicts cannot always be interpreted as a form of injustice in the criminal justice system. To a certain extent, differences in decisions can be justified as long as they are based on objective, rational, and legally accountable juridical considerations. This actually reflects the flexibility of the law in responding to the complexity of each criminal case. However, if the difference in verdict is not accompanied by strong and transparent legal arguments, it has the potential to cause a perception of injustice in the community. This condition can have an impact on the decline in the level of public trust in judicial institutions, especially in terms of consistency in the application of criminal law.

From a normative perspective, Law Number 48 of 2009 concerning Judicial Power emphasizes that judges are obliged to explore, follow, and understand the legal values and sense of justice that lives in society. This provision means that justice is not only textual, but also contextual in accordance with evolving social values. Therefore, judges are required to provide considerations that are not only legalistic, but also reflect substantive justice. Empirically, the quality of judges' considerations is an important factor in determining the public's perception of justice towards criminal decisions. The clearer and more transparent the legal reasons used, the higher the level of public acceptance of the decision. On the other hand, a verdict with minimal argument can strengthen the presumption of injustice, even though it is formally in accordance with the applicable legal provisions.

Thus, it can be understood that justice in the verdict of criminal judges in Padangsidempuan City is the result of an interaction between positive legal provisions, judge independence, and social perception of the community. Therefore, it is necessary to strengthen the quality of legal considerations in every decision so that the principle of justice is not only fulfilled normatively, but can also be felt substantively by the community.

The Principle of Justice in Islamic Criminal Law and Its Relevance to the Contemporary Justice System

In Islamic criminal law, justice is one of the main pillars that cannot be separated from the goals of the shari'a (maqāṣid al-shari'ah). Justice is not only understood as equal treatment before the law, but also includes efforts to maintain a balance between individual rights, victims' rights, and the interests of the wider community. Therefore,

the sentencing in Islamic criminal law is not solely oriented to the repressive aspect, but also to the preventive and corrective aspects.³²

Sentencing in the perspective of Islamic criminal law has a broader orientation than just retaliation against the perpetrators of criminal acts. Punishment is directed to maintain the welfare (maṣlaḥah), protect the rights of the victim, and improve the morals and behavior of the perpetrator so that they can return to social functioning. Thus, justice in Islam has individual and social dimensions that are integrated with each other.³³

The normative basis of the principle of justice in Islam can be found in Surah Al-Mā'idah verse 8 which affirms the command to act justly even against the hated party. This verse shows that justice must be upheld objectively without being influenced by one's emotions, personal interests, or social status. This principle is the moral basis in every law enforcement process in Islam.

In addition, Surah An-Nisa verse 58 also emphasizes that every mandate and legal determination must be carried out fairly. In this context, justice is not only a moral obligation, but also a legal obligation that must be carried out by every party who has authority in law enforcement. This shows that justice in Islam is universal and binding. According to the author's analysis, the concept of justice in Islamic criminal law has a very strong relevance to the modern criminal justice system. Both place justice as the main goal in the criminal process. Nevertheless, Islamic criminal law has the peculiarity of emphasizing the spiritual dimension and moral responsibility as an integral part of justice itself.

In the contemporary justice system, justice is generally understood in the framework of legal justice and social justice which is oriented towards legal certainty, utility, and protection of human rights. However, modern judicial practice often faces challenges in the form of disparity in verdicts and the subjectivity of judges. In this case, the principle of justice in Islamic criminal law can be a normative approach that strengthens the ethical dimension in judges' decisions.³⁴

Islamic criminal law also emphasizes the concept of maqāṣid al-syarī'ah which includes the protection of religion, soul, intellect, property, and honor. This principle provides a comprehensive framework for assessing a legal decision, not only from the legal-formal aspect, but also from the aspect of the benefits caused. Thus, justice is measured not only by its conformity with the legal text, but also by its impact on social welfare.³⁵

³² A Junaedi Karso, *Legitimasi KUHP & KUHP: Sinergi Antara Maqasid Syari'ah Bagi Hakim Untuk Kemashlahatan Publik* (CV Eureka Media Aksara, 2026).

³³ Rofiq, *Hukum Pidana Islam*. (Jakarta: Diadit Media 2018).Hlm. 53.

³⁴ Khairul Anam and Jamiliya Susantin, "Pengaruh Globalisasi Terhadap Hukum Peradilan Islam Perspektif Jasser Auda: Maqosid Al Shari'ah Kontemporer," *Qanuni: Journal of Indonesian Islamic Family Law* 3, no. 01 (2025): 59-75. <https://doi.org/10.31102/qanuni.2025.3.01.59-75>

Thus, it can be concluded that the principle of justice in Islamic criminal law has significant relevance to the contemporary justice system. The integration between the values of *maqāṣid al-syarī'ah* and modern legal principles can strengthen the quality of substantive justice in judges' decisions. This is also an important basis for realizing a justice system that is more fair, humane, and oriented towards the benefit of society at large.

Juridical and Non-Juridical Factors in the Application of the Principle of Justice in Criminal Decisions

The application of the principle of justice in criminal decisions is essentially the result of a complex interaction between juridical and non-juridical factors that influence each other in the decision-making process of judges in court. These factors not only come from normative provisions of laws and regulations, but are also influenced by social, cultural, moral, and real aspects that develop in society, thus determining the direction and quality of justice produced in every criminal verdict.³⁶

Based on the results of the research, there are a number of juridical and non-juridical factors that affect the application of the principle of justice in criminal judgments. These factors work simultaneously in the judicial process so as to determine the quality of justice produced by the judge. In the context of the state of law, justice is not only understood as a moral goal, but also as a constitutional principle as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that Indonesia is a state of law.³⁷

The first factor is the laws and regulations as the main basis for judges in making decisions. This is strengthened by Article 1 paragraph (1) of the Criminal Code concerning the principle of legality³⁸ and Article 183 of the Criminal Code³⁹ which emphasizes that judges may not impose a crime unless based on at least two valid pieces of evidence and the judge's conviction. However, the general and open nature

³⁵ Tsulis Zakiyyatun Nufus, Deden Najmudin, and Yusuf Azazy, "Cyber Sexual Harassment Terhadap Perempuan Di Media Sosial Perspektif Hukum Pidana Positif Dan Hukum Pidana Islam," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 4, no. 2 (2025): 131–48. <https://doi.org/10.47200/awtjhpsa.v4i2.2861>

³⁶ Mhd Abror Muzakkir Muda, Reni Kartika, and Vandri Ahmad Isnaini, "Penerapan Prinsip Keadilan Al-Qur'an Dalam Sistem Informasi Manajemen Organisasi," *Jurnal Kolaborasi Sains Dan Ilmu Terapan* 2, no. 1 (2023): 1–7. <https://doi.org/10.69688/juksit.v2i1.24>

³⁷ Leonardo Pratama, "Disparitas Putusan Hakim Dalam Perkara Korupsi: Analisis Terhadap Faktor-Faktor Non-Yuridis," *At-Tanwir Law Review* 6, no. 1 (2026): 110–16. <http://dx.doi.org/10.31314/atlarev.v6i1.5397>

³⁸ Asep Irpan Helmi, "Upaya Hakim Dalam Menangani Perkara-Perkara Pidana Yang Tidak Ada Ketentuannya Dalam Undang-Undang Pidana Dan Kaitannya Dengan Pasal 1 Ayat 1 Kuhp Tentang Asas Legalitas Dalam Menangani Perkara-Perkara Pidana Yang Tidak Ada Ketentuannya Dalam Undang-Undang Pidana Dan Kaitannya Dengan Pasal 1 Ayat 1 Kuhp Tentang Asas Legalitas" (UIN Sunan Gunung Djati Bandung, 2003).

³⁹ Giant K Y Sepang, "Proving a Criminal Offense Based on Evidence According to Article 183 of the Criminal Code," *Lex Crimen* 4, no. 8 (2015): 3380.

of legal norms still provides room for interpretation that can result in variations in judgments.

This condition shows that even though the law has provided normative limitations, there is still room for discretion for judges in interpreting legal facts. According to the author, this requires a more structured sentencing guideline so that disparities in verdicts can be minimized without reducing the independence of judges as an independent judicial power. In the Islamic perspective, the principle of justice is affirmed in QS. An-Nisa verse 58 which commands that every mandate and legal decision be delivered fairly. This verse shows that justice is a divine obligation that must be the basis of every legal decision, including in the modern criminal justice system.⁴⁰ In addition, QS. Al-Mā'idah verse 8 affirms: "*Be just, for justice is closer to piety.*" This verse contains the principle that justice must be upheld without being influenced by hatred, self-interest, or social status. This is relevant to the principle of impartiality in modern criminal justice.⁴¹

The second factor is law enforcement officials, especially judges, who have a central role in determining the fairness of the verdict. This is in line with Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power which requires judges to explore the values of justice that live in society. According to the author's analysis, the integrity of judges is a determining factor in realizing substantive justice.

The third factor is the social and economic condition of the defendant which is often a consideration in the sentence. This approach is in line with the concept of criminal individualization and the principle of justice in Islam which considers the human condition proportionately. In Islamic law, this is related to the concept رفع of (removing difficulties) as part of the benefits.⁴²

The fourth factor is the legal culture of the society which affects the perception of justice. In the theory of *living law*, law is not only sourced from the law, but also the values that live in society. This is in line with the approach of *maqāṣid al-syarī'ah* which places social welfare as the main orientation of the law. In the perspective of *maqāṣid al-syarī'ah*, as stated by Al-Ghazali, justice must maintain five main principles, namely *hifz al-din*, *al-nafs*, *al-'aql*, *al-mal*, and *al-'irdh*. Therefore, every

⁴⁰ Muhammad Rian Maulana et al., "Penafsiran QS An-Nisa: 58 & 135: Prinsip Keadilan Dan Amanah Dalam Kehidupan Sosial," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 1219-26. <https://doi.org/10.61104/alz.v4i1.3236>

⁴¹ Khairani Makina Dinningrum and Yeti Dahliana, "The Concept of Social Justice and Integrity in Testimony According to Islam: A Thematic Study of Surah Al-Maidah Verse 8," *Proceeding ISETH (International Summit on Science, Technology, and Humanity)*, 2024, 903-8. <https://doi.org/10.23917/iseth.5479>

⁴² Nanda Aulia Rahmaputri et al., "Penerapan Prinsip المشقة تجلب التيسير Dalam Hukum Islam: Analisis Terhadap Kaidah Assasiyyah Ketiga," *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882 2, no. 2 (2025): 1144-51. <https://doi.org/10.62379/jxc6sv80>

criminal verdict is not only assessed from the aspect of legality, but also from the extent to which it maintains the benefits and prevents damage (mafsadat).

Thus, it can be concluded that the application of the principle of justice in criminal judgments is the result of the interaction between juridical and non-juridical factors that are strengthened by constitutional values and sharia values. The integration between Article 28D paragraph (1) of the 1945 Constitution, Article 5 of the Judicial Power Law, and the principle of justice in the Qur'an shows that justice must be normative, substantive, and transcendental. This is an important basis for realizing a fair, humane, and community-oriented criminal justice system.

Conclusion

Based on the results of the research, it can be concluded that the application of the principle of justice in criminal verdicts in the city of Padangsidempuan has basically referred to the provisions of positive Indonesian law as well as the principles in Islamic criminal law. However, in practice, there are still variations or disparities in verdicts in cases that have similar characteristics, which are influenced by juridical factors such as laws and regulations and judges' discretion, as well as non-juridical factors such as the socio-economic condition of the defendant, the integrity of law enforcement officials, and the legal culture of the community. From the perspective of Islamic criminal law, justice is not only measured from the legal-formal aspect, but also from the achievement of benefits (maṣlaḥah) and the realization of the values of maqāṣid al-syarī'ah. Therefore, it is necessary to strengthen the integrity of judges, improve the quality of legal considerations, and consistency in the application of the principle of substantive justice so that criminal judgments are not only legally valid, but also morally and socially just, and in accordance with the values of justice in Islam.

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