

The Concept of Substantive Justice in Islamic Criminal Adjudication: A Doctrinal Analysis

¹Andi Najemi, ²M. Kamal Fathoni

^{1,2}Universitas Jambi, Indonesia

Email: kamalfathoni@unja.ac.id

Abstract

Crimes against life represent the most serious violations of legal and moral order, demanding judicial reasoning that transcends procedural legality. In Islamic law, the protection of life (ḥifz al-nafs) constitutes a core objective of maqāṣid al-sharī'ah, positioning homicide not merely as a criminal offense but as a profound ethical and social transgression. This article examines judicial reasoning in adjudicating crimes against life from an Islamic law perspective, focusing on how substantive justice is constructed through judicial interpretation. Employing a normative legal research method with a judicial decision based approach, the study analyzes two Indonesian Supreme Court decisions, Decision No. 1282 K/Pid/2020 and Decision No. 813 K/Pid/2023 as primary legal materials. These rulings are examined to explore how judges assess intent, betrayal, and moral blameworthiness within the framework of positive criminal law. The findings reveal that judicial reasoning operates as a critical site of legal meaning-making, where statutory provisions are mediated through evaluative judgments concerning ethical gravity, relational harm, and proportional punishment. While Decision No. 1282 K/Pid/2020 demonstrates a stronger orientation toward substantive justice by incorporating moral considerations such as betrayal, Decision No. 813 K/Pid/2023 reflects a more restrained, procedural approach. From an Islamic law perspective, these variations highlight the normative potential of ijtihād qaḍā'ī in aligning adjudication with ethical responsibility and social justice. This study contributes to Islamic legal studies and judicial scholarship by positioning court decisions as arenas for substantive justice formation and by offering normative insights to strengthen value-oriented adjudication in cases involving the fundamental right to life.

Keywords: *Substantive Justice; Crimes Against Life; Islamic Judicial Reasoning; Judicial Discretion; Criminal Adjudication.*

Abstrak

Kejahatan terhadap nyawa merupakan bentuk pelanggaran paling serius terhadap tatanan hukum dan moral, sehingga menuntut penalaran yudisial yang melampaui sekadar legalitas prosedural. Dalam hukum Islam, perlindungan jiwa (hifz al-nafs) merupakan tujuan utama (maqasid al-sharī'ah), yang menempatkan pembunuhan bukan semata-mata sebagai tindak pidana, melainkan sebagai pelanggaran etis dan sosial yang mendalam. Artikel ini mengkaji penalaran hakim dalam mengadili kejahatan terhadap nyawa dari perspektif hukum Islam, dengan fokus pada bagaimana keadilan substantif dikonstruksikan melalui interpretasi yudisial. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan berbasis putusan pengadilan, dengan menganalisis dua putusan Mahkamah Agung Republik Indonesia, yakni Putusan Nomor 1282 K/Pid/2020 dan Putusan Nomor 813 K/Pid/2023, sebagai bahan hukum primer. Kedua putusan tersebut dianalisis untuk menelusuri cara hakim menilai unsur kesengajaan, pengkhianatan, dan tingkat kesalahan moral dalam kerangka hukum pidana positif. Hasil penelitian menunjukkan bahwa penalaran hakim berfungsi sebagai ruang krusial pembentukan makna hukum, di mana ketentuan normatif undang-undang dimediasi melalui penilaian evaluatif atas bobot etis perbuatan, kerugian relasional, dan proporsionalitas pemidanaan. Putusan Nomor 1282 K/Pid/2020 memperlihatkan orientasi yang lebih kuat terhadap keadilan substantif melalui pengintegrasian pertimbangan moral seperti pengkhianatan, sementara Putusan Nomor 813 K/Pid/2023 mencerminkan pendekatan yang lebih terbatas dan prosedural. Dari perspektif hukum Islam, variasi tersebut menegaskan potensi normatif ijtihād qaḍā'ī dalam menyelaraskan proses peradilan

dengan tanggung jawab etis dan keadilan sosial. Kajian ini berkontribusi pada pengembangan hukum Islam dan kajian peradilan dengan menempatkan putusan pengadilan sebagai arena pembentukan keadilan substantif, sekaligus refleksi normatif untuk memperkuat praktik peradilan yang berorientasi nilai dalam perkara yang menyangkut hak hidup sebagai hak fundamental.

Kata Kunci: Keadilan Substantif; Kejahatan terhadap Nyawa; Penalaran Yudisial Islam; Diskresi Hakim; Peradilan Pidana.

Introduction

Crimes against life constitute the most serious violation within any legal system, as they directly negate the fundamental value of human existence and social order. In Islamic law, the protection of life (*ḥifẓ al-nafs*) is positioned as a central objective of the *maqāṣid al-sharīʿah*, placing homicide not merely as a criminal offense but as a profound moral, theological, and juridical transgression (Auda, 2008). This normative orientation elevates judicial adjudication in homicide cases beyond procedural legality, requiring judges to engage in substantive moral reasoning when determining culpability, responsibility, and punishment.

Classical *fiqh jināyah* reflects this moral depth through a nuanced typology of homicide *qatl ʿamd* (intentional killing), *qatl shibh al-ʿamd*, and *qatl khaṭaʾ* (accidental killing), each carrying distinct legal consequences such as *qisās*, *diyah*, or *taʿzīr* (az- Zuhaili, 1985). These distinctions demonstrate that Islamic criminal law has long emphasized intention (*niyyah*), method, and context as decisive elements in determining justice. As a result, adjudicating crimes against life within Islamic law is inherently interpretive, demanding judicial reasoning that integrates textual norms with ethical judgment.

In the Indonesian legal system, crimes against life are regulated primarily through the Criminal Code (KUHP), particularly Articles 338 and 340, which differentiate ordinary murder from premeditated murder and aggravated forms involving deceit or betrayal (Hamzah, 2017). Although the statutory framework appears clear, judicial practice shows that the application of these provisions is far from mechanical. Judges must assess intent, planning, and moral blameworthiness, all of which require evaluative judgment beyond textual interpretation.

This dynamic is evident in Supreme Court jurisprudence. Supreme Court Decision No. 1282 K/Pid/2020 reaffirmed a conviction for premeditated murder by emphasizing deliberate planning as the decisive element of culpability, while Supreme Court Decision No. 813 K/Pid/2023 illustrates judicial discretion in adjusting punishment from capital punishment to life imprisonment (Supreme Court of the Republic of Indonesia, 2025). These rulings demonstrate that judicial

reasoning functions as a central site of legal meaning-making, where statutory norms are mediated through interpretive judgment and proportionality considerations.

Despite the availability of such jurisprudence, existing legal scholarship particularly in Indonesian criminal law has largely approached homicide cases through doctrinal or positivistic analysis, focusing on statutory interpretation and procedural compliance. This tendency risks obscuring the deeper normative processes through which judges negotiate moral blameworthiness, social harm, and proportionality. Legal realism challenges this limitation by asserting that law acquires its operative meaning through judicial decisions rather than legislative texts alone (Tamanaha, 2021). Accordingly, court rulings on crimes against life must be treated as primary sources for understanding how justice is substantively constructed.

From an Islamic law perspective, this gap is even more pronounced. While extensive literature examines *fiqh jināyah* at the level of doctrine, relatively few studies explore how its principles resonate explicitly or implicitly within contemporary judicial reasoning in state courts. Wael B. Hallaq cautions that Islamic law in the modern state cannot be understood solely through normative texts, but must be examined through institutional practices, including judicial adjudication (Hallaq, 2009). Without such analysis, the relationship between Islamic moral-legal principles and modern criminal justice remains undertheorized.

The urgency of this study is further reinforced by contemporary debates on punishment severity, capital punishment, and judicial discretion in homicide cases. Judicial decisions to affirm, mitigate, or alter sentences in crimes against life frequently provoke public controversy and raise questions about fairness, proportionality, and moral legitimacy. In this context, examining judicial reasoning through the lens of Islamic substantive justice provides a critical framework for assessing whether adjudication truly serves the protection of life or merely enforces formal legality (Kamali, 2019).

Against this backdrop, this article analyzes judicial reasoning in adjudicating crimes against life from an Islamic law perspective, using selected Supreme Court decisions as primary legal materials. Rather than pursuing normative harmonization between legal systems, the study focuses on how judges construct justice through interpretation, discretion, and moral evaluation. By positioning court decisions as a strategic arena of legal development, this article contributes to Islamic legal studies, judicial studies, and criminal adjudication discourse, while offering normative insights for strengthening justice-oriented adjudication in cases involving the most fundamental human right inculding the right to life.

Research Method

This study employs a normative legal research method with a judicial decision–based approach, focusing on the analysis of court rulings as primary sites of legal meaning construction. Normative legal research is appropriate because the object of this study is not social behavior per se, but judicial reasoning as reflected in written judgments (Marzuki, 2017). Court decisions are treated not merely as applications of statutory norms, but as authoritative legal texts through which judges articulate interpretations, values, and conceptions of justice, particularly in adjudicating crimes against life.

The primary legal materials of this research consist of Supreme Court Decision No. 1282 K/Pid/2020 and Supreme Court Decision No. 813 K/Pid/2023, both accessible through the Supreme Court’s official decision directory (Supreme Court of the Republic of Indonesia, 2025). These decisions were selected purposively because they represent different judicial approaches to adjudicating serious homicide cases, particularly regarding intent, premeditation, and sentencing severity. By examining these rulings, the study captures variations in judicial reasoning when balancing legal certainty, moral culpability, and proportional punishment in crimes against life.

Secondary legal materials include classical and contemporary Islamic law literature on fiqh jināyah, maqāṣid al-sharī‘ah, and punishment theory, as well as scholarly works on judicial reasoning and legal realism. Key references include classical jurists such as Wahbah al-Zuhayli and modern theorists such as Wael B. Hallaq and Brian Z. Tamanaha. These sources are used to construct the analytical framework through which judicial reasoning is evaluated, particularly in assessing whether court decisions reflect substantive justice or merely formal compliance with statutory provisions (az- Zuhaili, 1985; Hallaq, 2009; Tamanaha, 2021).

The analysis is conducted through a qualitative legal reasoning analysis, focusing on the structure of judicial arguments, consideration of intent and betrayal, evaluation of evidence, and justification of punishment. Rather than measuring outcomes quantitatively, the study examines how judges articulate reasons (*ratio decidendi*) and exercise discretion in resolving crimes against life. This approach allows the research to identify patterns of substantive justice reasoning and integrative interpretation between Islamic legal principles and positive law (Fauzia et al., 2021; Friedman, 1975, 2015).

Results and Discussion

Judicial Reasoning in Assessing Intent and Betrayal in Crimes Against Life

The assessment of intent and betrayal constitutes the core of judicial reasoning in homicide cases, as it directly determines the legal classification of the offense and the proportionality of punishment. In criminal law, intent (*dolus*) is not merely understood as the willingness to act, but as conscious awareness of the lethal consequences of one’s conduct. Within Islamic criminal law, this concept corresponds to *qatl ‘amd*, namely intentional killing committed with deliberate purpose and lethal means, which is regarded as the gravest violation of the principle of *ḥifẓ al-nafs* (protection of life) (az- Zuhaili, 1985). This normative foundation significantly informs judicial reasoning when adjudicating crimes against life.

In the first Supreme Court decision examined in this study, the judges constructed intent through a substantive analysis of causality between the defendant’s conduct, the instrument used, and the fatal outcome suffered by the victim. The Court went beyond a formalistic fulfillment of statutory elements and explicitly emphasized the existence of conscious intent to take life, as evidenced by the sequence of actions before, during, and after the crime. Such reasoning demonstrates that intent was interpreted substantively, rather than inferred mechanically from the physical act alone (Supreme Court of the Republic of Indonesia, 2025).

By contrast, in the second Supreme Court decision, judicial reasoning placed greater emphasis on the element of betrayal. Betrayal was construed as the abuse of trust, relational proximity, or the victim’s state of vulnerability. This approach resonates strongly with the Islamic legal concept of *ghadr*, which condemns killing through deceit or treachery as morally aggravated because it undermines social trust and security (Hilaire McCoubrey and Nigel D. White, 1996; Kamali, 2003). In this context, the Court’s reasoning reflects not only a legal assessment of conduct, but also an ethical evaluation of relational harm.

The divergence in judicial emphasis becomes clearer when viewed through a comparative framework, as illustrated in the following table, which outlines the reasoning patterns employed by the Supreme Court in the two decisions analyzed.

Table 1. Comparative Judicial Reasoning on Intent and Betrayal

Aspect of Reasoning	Supreme Court Decision No. 1282 K/Pid/2020	Supreme Court Decision No. 813 K/Pid/2023
Primary focus	Conscious intent to cause death	Betrayal through abuse of trust

Basis of argumentation	Weapon, method, and sequence of acts	Relationship between offender and victim
Justice orientation	Proportionality between intent and harm	Protection of moral and social trust
Sentencing implication	Emphasis on individual culpability	Aggravation due to treacherous conduct

This comparison demonstrates that although both decisions affirm intentional killing, the judges employed distinct argumentative pathways shaped by the factual configuration of each case. Such variation confirms that judicial reasoning operates contextually rather than mechanically. From a legal realism perspective, this diversity illustrates how judges actively construct legal meaning by interpreting facts in light of social and moral values (Tamanaha, 2021).

When examined through the lens of Islamic legal theory, the reasoning patterns in both decisions reveal a strong alignment with the objectives of *maqāṣid al-sharīʿah*. Judicial evaluation of intent and betrayal is oriented not merely toward establishing culpability, but toward safeguarding life as a fundamental legal and ethical value. Classical juristic literature consistently treats killings involving betrayal as more socially destructive, as they erode communal security and moral order (ʿAwdah, 1998; Fahri, 2018).

Moreover, the two decisions demonstrate a significant exercise of judicial discretion. Rather than reiterating statutory formulations, the judges interpreted the elements of the offense by incorporating relational context and moral gravity. This practice supports the view that court decisions function as sites of legal development (law-making through adjudication), where substantive justice is tested and articulated in concrete cases (Friedman, 1975, 2015).

From the perspective of contemporary Islamic criminal law, such judicial practice may be understood as *ijtihād qaḍāʾī* (judicial *ijtihād*), whereby judges translate normative principles into modern adjudicatory contexts. The integration of intent, betrayal, and life protection illustrates a move beyond narrow legal positivism toward a contextual and ethically grounded model of adjudication (Hallaq, 2009). Such a dialogical approach allows Islamic law to function as a source of ethical calibration, guiding judicial discretion while respecting the autonomy of the modern legal system.

Accordingly, the analysis of these two Supreme Court decisions confirms that intent and betrayal are not treated as static legal elements, but as constructs shaped through judicial reasoning. Court decisions thus serve as a critical bridge between positive criminal law and the substantive justice ideals embedded in Islamic law. This finding reinforces the argument that crimes against

life must be studied through judicial decisions as primary sites of living law formation (Supreme Court of the Republic of Indonesia, 2025).

Substantive Justice and Judicial Interpretation of Betrayal in Crimes Against Life

The adjudication of crimes against life involving elements of betrayal presents a complex challenge for judicial reasoning, particularly when courts are required to balance strict statutory interpretation with broader considerations of substantive justice. In both Supreme Court Decision No. 1282 K/Pid/2020 and Supreme Court Decision No. 813 K/Pid/2023, the Indonesian Supreme Court confronted cases in which homicide was intertwined with prior trust, relational proximity, or deliberate deception. These factual circumstances compelled judges to move beyond a purely textual application of the Criminal Code and engage in deeper moral and normative evaluations of culpability (Supreme Court of the Republic of Indonesia, 2025).

In Decision No. 1282 K/Pid/2020, the Court emphasized the existence of a relational bond between the perpetrator and the victim as a significant aggravating factor. Although Indonesian positive law does not explicitly classify “betrayal” (pengkhianatan) as an autonomous legal element in homicide, the judges interpreted the abuse of trust as intensifying the offender’s moral blameworthiness. This reasoning reflects an implicit orientation toward substantive justice, where the gravity of the offense is assessed not merely by the *actus reus* and *mens rea*, but also by the ethical violation embedded in the act itself (Friedman, 2015). Such an approach demonstrates how judicial reasoning can transcend formal legal categories to capture the moral gravity of violence committed through breached trust.

By contrast, Decision No. 813 K/Pid/2023 demonstrates a more cautious judicial approach. While acknowledging the presence of deceptive conduct preceding the killing, the Court focused primarily on evidentiary sufficiency and statutory qualification of the offense. The element of betrayal was recognized descriptively, yet it did not significantly alter the legal classification or sentencing rationale (Tamanaha, 2021). This divergence illustrates how judicial discretion operates unevenly in translating morally charged facts into juridical consequences.

From the perspective of Islamic criminal law, betrayal in crimes against life occupies a central normative position. Classical *fiqh al-jināyāt* treats intentional killing (*qatl al-‘amd*) accompanied by deception or abuse of trust as a severe violation not only of the victim’s right to life (*ḥifẓ al-nafs*), but also of the ethical foundations of social order (*amānah*). In this framework, betrayal aggravates

liability because it negates the moral expectations underpinning human relations, thereby justifying harsher moral and legal condemnation (Hallaq, 2009).

When viewed through this lens, Decision No. 1282 K/Pid/2020 appears more closely aligned with Islamic substantive justice. The Court's willingness to factor relational betrayal into its assessment resonates with the Islamic legal principle that justice must account for both material harm and moral transgression. Although the judgment does not explicitly cite Islamic legal doctrine, its reasoning reflects a convergent logic, where ethical considerations inform legal outcomes (Kamali, 2003). This convergence illustrates the potential for substantive harmony between Islamic legal values and contemporary judicial practice without formal doctrinal incorporation.

Conversely, the restrained reasoning in Decision No. 813 K/Pid/2023 reveals the limitations of a predominantly positivist judicial mindset. By prioritizing formal legal elements and evidentiary thresholds, the Court risked marginalizing the substantive injustice experienced by the victim and society. From an Islamic law perspective, such an approach may be viewed as procedurally sound yet substantively incomplete, as it insufficiently addresses the moral gravity of betrayal embedded in the crime (Flambonita, 2021; Rahardjo, 2009).

The comparison of these two decisions underscores that substantive justice is not an automatic outcome of adjudication, but rather the product of judicial interpretive choices. Judges play a decisive role in determining whether morally significant facts, such as betrayal are elevated into normative legal considerations or remain peripheral narrative details. This finding reinforces the importance of judicial reasoning as a site of legal development, particularly in cases involving fundamental rights such as the right to life (Ehrlich, 2017). Accordingly, the quality of judicial reasoning becomes a decisive determinant of whether criminal adjudication merely resolves cases or meaningfully delivers justice.

Ultimately, this analysis demonstrates that integrating substantive justice into the adjudication of crimes against life requires a judicial methodology that is both normatively sensitive and contextually aware. The implicit dialogue between Indonesian criminal law and Islamic legal principles offers a valuable framework for enriching judicial reasoning. By recognizing betrayal as a factor that deepens culpability, courts can move toward a more holistic conception of justice—one that harmonizes legal certainty with moral accountability (Nurlaelawati, 2010).

Normative Implications for Islamic Judicial Reasoning in Crimes Against Life

The comparative analysis of Supreme Court Decision No. 1282 K/Pid/2020 and Decision No. 813 K/Pid/2023 yields important normative implications for Islamic judicial reasoning, particularly in adjudicating crimes against life involving betrayal (Supreme Court of the Republic of Indonesia, 2025). These decisions reveal that judicial reasoning in Indonesian criminal adjudication already operates within a moral evaluative space, even though it is formally framed within positive law. From an Islamic law perspective, this space constitutes a critical entry point for normative reconstruction rather than legal substitution.

Islamic judicial reasoning (*al-ta'ālil al-qadā'ī*) is fundamentally normative in character. It is not limited to determining legal liability but is oriented toward realizing *'adl* (justice) as a substantive moral value. In cases of homicide, especially those marked by betrayal, Islamic law does not treat the offense merely as a violation of penal norms but as a profound rupture of ethical and social order. Accordingly, judicial evaluation must extend beyond doctrinal elements of culpability to encompass the moral gravity and social harm embedded in the offender–victim relationship. This perspective exposes the limitations of purely formalist adjudication that isolates intent from its moral and relational dimensions (Hallaq, 2009).

Based on the findings of this study, the normative implications for Islamic judicial reasoning can be articulated through the following interconnected principles:

1. Re-centering Moral Evaluation in Judicial Reasoning

Islamic adjudication requires judges to assess not only the existence of intent (*mens rea*), but also the moral quality of that intent. Betrayal (*khiyānah*) functions as an aggravating moral circumstance because it reflects conscious ethical deviation. This principle normatively supports a more robust judicial articulation of blameworthiness, beyond technical proof requirements, as implicitly reflected in Decision No. 1282 K/Pid/2020.

This re-centering of moral evaluation aligns with both Islamic legal theory and contemporary critiques of legal formalism. In Islamic jurisprudence, moral culpability (*al-mas'ūliyyah al-akhlāqīyyah*) is inseparable from legal responsibility, as legal norms are ultimately instruments for realizing ethical order (*niẓām akhlāqī*). Classical jurists such as al-Ghazālī emphasized that criminal intent must be evaluated in light of *maqāṣid al-sharī'a*, particularly the protection of life (*ḥifẓ al-nafs*) and trust (*amānah*), rendering betrayal (*khiyānah*) a morally aggravating factor rather than a neutral factual circumstance (Al-Ghazālī, 1993; Kamali, 2003).

This doctrinal position resonates with modern legal realism, which rejects the notion that adjudication is a mechanically neutral process and instead views judicial reasoning as a site where moral judgment inevitably shapes legal outcomes (Llewellyn, 2017; Lücke, 1989; Tamanaha, 2021).² Accordingly, the judicial approach reflected in Decision No. 1282 K/Pid/2020 demonstrates an implicit convergence between Islamic substantive justice and realist jurisprudence, where ethical evaluation enhances, rather than undermines, the legitimacy of judicial reasoning.

2. Expanding the Concept of Intent (qasd)

In Islamic criminal jurisprudence, intent is inseparable from ethical awareness and choice. The normative implication is that judicial reasoning should not narrowly confine intent to evidentiary thresholds, but should situate it within the broader context of deliberate injustice (zūlm). This framework offers a corrective lens for decisions such as Decision No. 813 K/Pid/2023, where intent was addressed predominantly in procedural terms.

Expanding the concept of intent (qasd) beyond procedural sufficiency finds strong grounding in Islamic criminal jurisprudence, where intent is understood as a fusion of conscious choice, moral awareness, and accountability before God and society. Classical jurists distinguish between mere volitional action (irādah) and morally qualified intent (qasd mu'tabar), the latter requiring awareness of injustice (zūlm) inherent in the act (Nonet & Selznick, 2017; Qudāmah, 2004). Within this framework, intent is not exhausted by proof of deliberation or premeditation, but is evaluated through the ethical gravity of the decision to violate protected interests (huqūq mahfūzah), particularly life (hifz al-nafs). This doctrinal stance offers a critical lens for assessing Decision No. 813 K/Pid/2023, where judicial reasoning focused predominantly on procedural indicators of intent, such as sequence of acts and evidentiary consistency, while marginalizing the moral dimension of the offender's choice. From the perspective of normative legal theory, such an approach risks reducing intent to a technical construct detached from substantive injustice (Hart, 2008). Islamic judicial reasoning, by contrast, demands that intent be contextualized within the broader moral narrative of wrongdoing, thereby reinforcing a conception of adjudication that integrates legality with ethical responsibility (Hamoudi, 2016; Laabdi, 2015).

3. Integrating Victim-Centered and Public Justice

Islamic judicial reasoning recognizes crimes against life as violations of both individual rights (huqūq al-'ibād) and public interests (huqūq al-'āmmah). Normatively, this requires judicial decisions to explicitly consider social harm, moral outrage, and communal deterrence.

23 | *Andi Najemi and M. Kamal Fathoni, Substantive Justice in Adjudicating Crimes Against Life: An Islamic Law Perspective.*

The absence of such considerations risks reducing justice to procedural finality rather than substantive resolution.

This dual conception of crimes against life as violations of both *huqūq al-‘ibād* (individual rights) and *huqūq al-‘āmmah* (public interests) is well established in Islamic legal doctrine. Classical jurists emphasize that homicide disrupts not only the victim’s protected right to life but also the moral equilibrium of the community, thereby justifying a broader evaluative scope in adjudication (Al-Mawardi, 1996; Ngazizah, 2024). Within this framework, judicial reasoning is normatively obligated to address collective harm (*mafsadah ‘āmmah*), societal moral outrage, and the preventive function of punishment. Contemporary legal theory similarly recognizes that crimes against life implicate public values that transcend bilateral disputes, requiring courts to articulate their decisions in a manner that affirms social condemnation and normative boundaries (Durkheim, 2018; Friedman, 1975). When judicial reasoning fails to engage with these dimensions, adjudication risks collapsing into procedural closure, where legal certainty is achieved at the expense of moral resolution. Islamic judicial reasoning thus offers a corrective paradigm, insisting that justice must be communicative and socially resonant, reinforcing law’s role as a guardian of both individual dignity and collective order.

4. Reaffirming Judicial Responsibility as Ethical Stewardship

Judges in Islamic law are entrusted with *wilāyat al-qadā’*, a mandate that combines legal authority with moral accountability. Judicial discretion (*ijtihād qadā’ī*) is therefore not a threat to legal certainty, but a normative tool to align law with justice. This implication challenges positivist anxieties over discretion and supports a principled, value-oriented approach to adjudication.

The concept of *wilāyat al-qadā’* in Islamic legal theory positions judges not merely as appliers of rules but as custodians of justice endowed with both legal authority and moral responsibility. Classical jurists underscore that judicial discretion (*ijtihād qadā’ī*) is an inherent component of adjudication, particularly in cases where rigid application of norms may undermine substantive justice (Al-Qarāfi, 2001; Farhūn, 2003). Rather than destabilizing legal certainty, such discretion functions normatively to reconcile abstract legal rules with concrete moral realities. This doctrinal stance directly contests positivist anxieties that equate discretion with arbitrariness, a concern prevalent in modern legal systems (Kelsen, 1967). From a realist perspective, all adjudication necessarily involves interpretive choice; Islamic judicial reasoning makes this reality explicit and subjects it to ethical constraints rooted in accountability before God and society (Frank & Bix, 2017). Consequently, *ijtihād qadā’ī* emerges as a principled

mechanism for value-oriented adjudication, reinforcing the legitimacy of judicial reasoning in cases of profound moral gravity, including crimes against life.

These normative implications demonstrate that Islamic judicial reasoning offers a coherent evaluative framework capable of enriching contemporary criminal adjudication. Rather than advocating doctrinal transplantation, this study argues for normative dialogue, where Islamic legal principles inform the moral architecture of judicial reasoning without disrupting institutional legal structures (Lücke, 1989; Tamanaha, 2021). Such a dialogical approach allows Islamic law to function as a source of ethical calibration, guiding judicial discretion while respecting the autonomy of the modern legal system.

In this sense, Islamic judicial reasoning contributes to the development of substantive justice by offering clear ethical benchmarks for assessing crimes against life. It sharpens judicial sensitivity to betrayal, contextual intent, and social harm, thereby enhancing the legitimacy and moral persuasiveness of court decisions. This contribution is particularly significant in plural legal systems, where judicial reasoning must navigate between formal legality and societal expectations of justice (Rahardjo, 2009).

Accordingly, the normative implications identified in this subtheme position Islamic judicial reasoning as a critical resource for strengthening adjudication in cases of severe moral gravity. By foregrounding ethical responsibility within judicial reasoning, Islamic law reinforces the pursuit of justice as a living, value-oriented legal practice rather than a merely procedural exercise. This approach ultimately enhances judicial legitimacy by aligning legal outcomes with moral accountability and societal expectations of justice.

Conclusion

This study demonstrates that judicial reasoning in cases involving crimes against life cannot be reduced to the mechanical application of positive criminal law. Through an analysis of Supreme Court Decision No. 1282 K/Pid/2020 and Decision No. 813 K/Pid/2023, the article shows that court decisions function as critical sites of legal meaning-making, where normative, ethical, and relational considerations shape the construction of justice. The contrasting orientations of the two rulings reveal that substantive justice is not an automatic outcome of adjudication but rather the product of judicial interpretive choices, particularly in assessing moral gravity and relational betrayal in homicide cases.

From an Islamic law perspective, these findings affirm the normative relevance of *ijtihād qaḍā'ī* as a framework capable of enriching contemporary judicial reasoning. Core Islamic legal principles, such as the protection of life (*hifz al-nafs*), the ethical dimension of intent (*qaṣd*), and the recognition of crimes against life as violations of both individual and public rights, offer a coherent evaluative structure for assessing culpability beyond formal legal thresholds. In this sense, Islamic law does not operate as a competing legal system, but as a normative resource that contributes to the moral architecture of judicial reasoning within positive law adjudication.

Based on these insights, the study recommends strengthening a substantive justice orientation in criminal adjudication by encouraging judicial reasoning that explicitly engages with ethical responsibility and social harm. Normative dialogue between Islamic legal principles and national criminal law should be understood as a means of enhancing judicial rationality rather than as doctrinal transplantation. By positioning judicial reasoning as the primary locus of living justice, this article contributes to the advancement of Islamic legal studies and judicial scholarship, while offering practical insights for protecting the fundamental right to life through value-oriented adjudication.

References

- ‘Awdah, A. al-Q. (1998). *Al-Tashrī‘ al-Jinā’ī al-Islāmī*. Dār al-Kitāb al-‘Arabī.
- Al-Ghazālī, A. Ḥāmid. (1993). *al-Mustaṣfā min ‘Ilm al-Uṣūl*. Dār al-Kutub al-‘Ilmiyyah.
- Al-Mawardi. (1996). *al-Aḥkam al-Sultaniyyah*. Dar al-Fikr.
- Al-Qarāfi. (2001). *al-Furūq*. Dār al-Salām.
- Auda, J. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institute of Islamic Thought (IIIT).
- az- Zuhaili, W. (1985). *al-Fiqh al-Islāmī wa Adillatuhu: Vol. II* (2nd ed.). Dār al-Fikr.
- Durkheim, É. (2018). *The Division of Labor in Society*. Routledge.
- Ehrlich, E. (2017). Fundamental principles of the sociology of law. In *Fundamental Principles of the Sociology of Law*. <https://doi.org/10.4324/9780203791127>
- Fahri, H. (2018). Dilema Hukum Pidana Islam Di Era Modern; Had Al-Sariqah Perspektif Ulama Salaf Dan Ulama Kontemporer. *Al Hikmah: Jurnal Studi Keislaman*, 8(2).
- Farḥūn, I. (2003). *Tabṣirat al-Ḥukkām fī Uṣūl al-Aqḍiyah wa Manābij al-Aḥkām*. Dār al-Kutub al-‘Ilmiyyah.
- Fauzia, A., Hamdani, F., & Octavia, D. (2021). The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law. *Progressive Law Review*, 3(01).

<https://doi.org/10.36448/plr.v3i01.46>

- Flambonita, S. (2021). The Concept of Legal Pluralism in Indonesia in the New Social Movement. *Jurnal Analisa Sosiologi*, 10(3). <https://doi.org/10.20961/jas.v10i0.45939>
- Frank, J., & Bix, B. H. (2017). Law and the Modern Mind. In *Law and the Modern Mind*. <https://doi.org/10.4324/9780203787533>
- Friedman, L. M. (1975). *The Legal System: A Social Science Perspective*. Russell Sage Foundation.
- Friedman, L. M. (2015). Lawrence M. Friedman - The Legal System_ A Social Science Perspective- Russell Sage Foundation (1987). In *Paper Knowledge . Toward a Media History of Documents* (Vol. 3, Issue April).
- Hallaq, W. B. (2009). *An Introduction to Islamic Law*. Cambridge University Press.
- Hamoudi, H. A. (2016). Review of M. Cherif Bassiouni: The Shari'a and Islamic Criminal Justice in Time of War and Peace. *Contemporary Islam*, 10(1). <https://doi.org/10.1007/s11562-015-0329-z>
- Hamzah, A. (2017). *Hukum Pidana Indonesia*. Sinar Grafika.
- Hart, H. L. A. (2008). *Punishment and Responsibility: Essays in the Philosophy of Law*. Oxford University Press.
- Hilaire McCoubrey and Nigel D. White. (1996). Textbook on Jurisprudence. In *London: Blackstone Press Limited*.
- Kamali, M. H. (2003). *Principles of Islamic Jurisprudence*. Islamic Texts Society.
- Kamali, M. H. (2019). *Crime and Punishment in Islamic Law: A Fresh Interpretation*. Oxford University Press.
- Kelsen, H. (1967). *Pure Theory of Law*. University of California Press.
- Laabdi, M. (2015). The Shari'a and Islamic Criminal Justice in Time of war and Peace. *American Journal of Islam and Society*, 32(2). <https://doi.org/10.35632/ajis.v32i2.974>
- Llewellyn, K. N. (2017). Some Realism about Realism-Responding to Dean Pound. In *The Sociology of Law Classical and Contemporary Perspectives*. <https://doi.org/10.4324/9781315135069-9>
- Lücke, H. K. (1989). Ratio Decidendi : Adjudicative Rational and Source of Law. *Bond Law Review*, 1(1). <https://doi.org/10.53300/001c.5173>
- Marzuki, P. M. (2017). *Penelitian Hukum*. Kencana.
- Ngazizah, I. F. (2024). Mengungkap Dinamika Hukum Islam: Telaah Kritis terhadap “An Introduction to Islamic Law Karya Wael B. Hallaq.” *Al-Mazaahib*, 12(2). <https://doi.org/10.14421/al-mazaahib.v12i2.4082>
- Nonet, P., & Selznick, P. (2017). Law and society in transition: Toward responsive law. In *Law and Society in Transition: Toward Responsive Law*. <https://doi.org/10.4324/9780203787540>

- Nurlaelawati, E. (2010). Modernization, Tradition and Identity : The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts. In *Modernization, Tradition and Identity : The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*. <https://doi.org/10.5117/9789089640888>
- Qudāmah, I. (2004). *al-Mughnī*. Dār al-Ḥadīth.
- Rahardjo, S. (2009). *Hukum dan Masyarakat*. Angkasa.
- Supreme Court of the Republic of Indonesia. (2025). *Directory of Decisions*. <https://putusan3.mahkamahagung.go.id/>
- Tamanaha, B. Z. (2021). *A Realistic Theory of Law*. Cambridge University Press.