

Philosophical Meaning for Justice Based on the One Godhead in Judge's Decision

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Info Artikel

Keywords:

Philosophical meaning; Justice; Judge's decision

Kata kunci:

Makna filosofis, Keadilan; Putusan hakim

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P-ISSN: 1412-6605

E-ISSN: 2301-6426

Abstract

This study aims to analyze the meaning of philosophy in the court decision "For Justice Based on God Almighty" in a Judge's Decision based on the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power in the era of the Covid-19 pandemic. This research is normative juridical research with primary legal materials, secondary legal materials, and tertiary legal materials. The methods and tools for collecting legal materials use the method of documentation and document study. Data analysis was carried out qualitatively on the legal materials owned. The results of the research and discussion explain that the meaning of "For the sake of Justice the Almighty" is very closely related to respond to God Almighty, the creator of life, not only related to justice seekers. Not only within the scope of the judge's responsibility to justice seekers and the general public but spiritually it is the spiritual judge's responsibility to God Almighty.

Abstrak

Penelitian ini bertujuan untuk menganalisis makna filosofi dalam putusan pengadilan "Untuk Keadilan Berdasarkan Ketuhanan Yang Maha Esa" dalam Putusan Hakim berdasarkan Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman di era pandemi Covid-19. Penelitian ini merupakan penelitian yuridis normatif dengan bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Metode dan alat pengumpulan bahan hukum menggunakan metode dokumentasi dan studi dokumen. Analisis data dilakukan secara kualitatif terhadap bahan-bahan hukum yang dimiliki. Hasil penelitian dan pembahasan menjelaskan bahwa makna "Demi Keadilan Yang Maha Esa" sangat erat kaitannya dengan respon terhadap Tuhan Yang Maha Esa, pencipta kehidupan, tidak hanya terkait dengan pencari keadilan. Tidak hanya dalam lingkup tanggung jawab hakim terhadap pencari keadilan dan masyarakat umum, tetapi secara spiritual merupakan tanggung jawab spiritual hakim kepada Tuhan Yang Maha Esa.

I. Introduction

General elections for legislative members and elections of the vice president who took place in 2019 gave birth to extraordinary political and legal dynamics.¹ Political and democratic dynamics ended with the rejection of disputes over the results of the General Election submitted by presidential candidates' number 02 by the Constitutional Court so that the Indonesian General Election Commission finally determined the presidential candidate number 01 as the 2019 -2024 winner of the presidential election. Indonesia is a state democracy based on law, where running government wheels must be based on or based on law.² Law, grow and develop in a state of society, we will certainly present a variety of different meanings and understanding of everyone on the law. Different social backgrounds in the community will give birth to legal meaning differently so that events that cause problems in society. In the dimensions of justice in society, because our society becomes justice as it should, some people feel they do not get justice as they should.

In social life and Indonesian people's culture, it cannot be separated from the values or norms that live, grow, and develop in that society. In the community, the environment fosters social norms, religious norms, and other norms, one of which is legal norms, where these norms grow, live, and develop side by side with other forms of life.

One basic principle to realize the legal state is a guarantee for the implementation of fair, clean, dignified, and upholding justice values. In accordance with the form of justice, it will guarantee the freedom and power of the independence of absolute justice and cannot be contested. Guarantee for the administration of clean, independent, independent judicial strength, impartial in upholding the justice process is expected to enforce the law to achieve legal objectives that gave birth to justice, legal policy, and legal certainty.³

Indonesia's condition, which is currently hit by a second wave of Covid 19,⁴ also seems to also bring up a complicated national problem. In the increase in the spread of the virus and the process of handling by the state, the corruption of social assistance carried out by the former Minister of Social Affairs has added difficulties in the conditions of the country in Indonesia. Social assistance that

¹ Lutfil Ansori, 'Telaah Terhadap Presidential Threshold Dalam Pemilu Serentak 2019', *Jurnal Yuridis*, 4.1 (2017), 19.

² Farihan Aulia and Sholahuddin Al-Fatih, 'Perbandingan Sistem Hukum Common Law, Civil Law Dan Islamic Law Dalam Perspektif Sejarah Dan Karakteristik Berpikir', *Legality : Jurnal Ilmiah Hukum*, 25.1 (2017), 98–113.

³ Agus Setiawan, 'Penalaran Hukum Yang Mampu Mewujudkan Tujuan Hukum Secara Proporsional', *Jurnal Hukum Mimbar Justitia*, 3.2 (2017), 204 <<https://doi.org/10.35194/jhmj.v3i2.257>>.

⁴ Sholahuddin Al-Fatih and Felinda Istighfararisna Aulia, 'Tanggung Jawab Negara Dalam Kasus Covid-19 Sebagai Perwujudan Perlindungan HAM (The State's Responsibility in the Case of COVID-19 As a Realization of the Protection of Human Rights)', *Jurnal HAM*, 12.3 (2021), 349–66 <<https://doi.org/10.30641/ham.2021.12.349-366>>.

must be able to reduce the burden of people's lives because the Pandemic Covid-19 has become a place for some officials to get profit.⁵ The community has always been a victim of social justice as stated in the opening of the 1945 Constitution.

The legal process that occurs during the Covid-19 pandemic must be able to provide a deterrent effect and give birth to justice as the spirit of this nation which calls itself a legal state. We hope that the justice will be able to bring justice to the entire Indonesian nation, because the verdict always mentions justice based on one divination.

Judicial strength in the Republic of Indonesia explicitly and regulated in the Law of the Republic of Indonesia number 48 of 2009 concerning the term of justice. Where in law, judicial power is defined as the strength of the country that is independent and independent to manage the judicial process to enforce the law and justice based on the Pancasila and the 1945 Constitution of the Republic of Indonesia.⁶ We can find this understanding in consideration of Law Number 48 of 2009 concerning Judicial Strength which states that the trial forces according to the Republic of Indonesia in 1945 are independent forces carried out by the Supreme Court and the justice agency below in general. Court environment, the environment of the Religious Court, the Military Court environment, the State Administrative Court environment, and by the Constitutional Court, to provide justice to enforce law and justice.

Article 2, Paragraph 1 of the Law of the Republic of Indonesia Number 48 of 2009 concerning the State of the State Court that "Justice is done by God's sake" which is strengthened by paragraph 2, which states that "state justice to implement and enforce laws and justice based on Pancasila "It can mean that the judicial administration process is contained in the law of the Republic of Indonesia No. 48 of 2009 concerning the power of justice is an oasis for justice seekers. The judge's decision in the justice process is expected to provide fair total justice. Justice that is impartial as we often hear in the principle of equality before the law (everyone is treated evenly in the presence of law).

As a social being, of course, judges have never been free of truth and mistakes. Judges also have shortcomings such as humans in general, in this case, they must have made mistakes or errors in making decisions (decide on the case) in the trial process in court. Errors as humans, of course, cannot be used as justification and cannot be accepted because they will have a negative impact on the world of justice and law enforcement in this country.⁷

⁵ Aprista Ristyawati, 'Efektifitas Kebijakan Pembatasan Sosial Berskala Besar Dalam Masa Pandemi Corona Virus 2019 Oleh Pemerintah Sesuai Amanat UUD NRI Tahun 1945', *Administrative Law and Governance Journal*, 3.2 (2020), 240–49 <<https://doi.org/10.14710/alj.v3i2.240-249>>.

⁶ Muhammad Sabir Rahman, 'Makna Filosofis Rechtstaat Dalam Konteks Kebijakan Pembangunan Hukum Di Indonesia', *Meraja Journal*, 1.2 (2018), 2621–458.

⁷ Enju Juanda, 'Konstruksi Hukum Dan Metode Interpretasi Hukum', *Jurnal Ilmiah Galuh Justisi*, 4.2 (2017), 168 <<https://doi.org/10.25157/jigj.v4i2.322>>.

Judge's mistakes and/or errors in making decisions will seriously injure the seeker justice that hopes for justice. This will cause social conflict both horizontally and vertically related to the decision. Conflict arises because the judge has the power or authority to assess and or decide on the case based on the law and his belief in the trial process.

We have been very familiar with the conflicts present and the birth of the judicial process in court. We often hear and see the negative efforts of justice seekers who feel that they have been treated unfairly because of the inappropriate birth of decisions. Technically, as a result of the incorrect judge's decision, there will be an appeal, cassation, and even the reviews made by justice seekers. This will not be there if the judge can provide justice for justice seekers, not just legal certainty. Based on that background, the problem in this paper is how the philosophical meaning of the principle for justice is based on the Almighty God contained in the Law on the Republic of Indonesia Number 48 of 2009 concerning Judicial Strength in the Covid-19 Pandemic?

II. Methods

Research on the meaning of philosophy narratives for justice based on God in the administration of the judge is normative research.⁸ Normative juridical research has understanding as a scientific procedure to find truth based on scientific logic from the normative side, where the object is law itself. In the research process, researchers used a legal and conceptual approach. Legislation analysis to use provisions in Law No. 48 of 2009 concerning the power of the judiciary. Normative juridical research, namely research based on library research to obtain secondary data, then to complete literature research, field research is carried out to get primary data.⁹

III. Results and Discussion

The 1945 Constitution stated that Indonesia was a legal state. This statement has become a shared understanding in every aspect of life, both in the community, the nation and country. The state law in the statement can be interpreted by all aspects of life that must be done and foster strength in the community must be on the norms and rules of legal applicable in the community Indonesian people, who are compound and heterogeneous societies, will certainly give birth to different understanding and understanding of the idea of legal rules.¹⁰

⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, Cetakan ke (Jakarta: Kencana Prenada Media Group, 2013).

⁹ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. by Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

¹⁰ Zaka Firma Aditya and Sholahuddin Al-Fatih, 'Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet', *International Journal of Human Rights*, 0.0 (2020), 1–25 <<https://doi.org/10.1080/13642987.2020.1826450>>.

In a country that states itself as a legal state, one pillar is an independent, sovereign, free, independent court, and can give birth to a fair decision based on the principle of confidence in God's Almighty. In Indonesia, the implementation of the court (justice force) has been regulated in the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Strength. The Spirit contained in the regulation in principle is that the court must be able to provide or give birth to a sense of justice for the community, especially judicial seekers. The Covid-19 pandemic era¹¹ has further strengthened that justice is the right of every citizen without discrimination. All legal events that occur must be able to give birth to justice for all Indonesian people, especially the process of seeking justice in justice. The judicial process carried out is expected to provide justice, not only giving birth to benefits, let alone provide legal certainty.

The mistake or judge's mistake in deciding this case would be a sense of very injured justice expected by those who seek justice and very detrimental to those who seek justice is and can give birth to social conflicts in a very unwanted community. Therefore, every court decision, in this case, is a judge's decision to be able to give a sense of justice for the community. Article 2 Paragraph 1 Law No. 48 of 2009 concerning Judicial Strength explained that "the assessment was carried out for justice based on an Godad Supreme" which means that all decisions of judges born from the court process must be able to provide a sense of justice based on one divinity to the community. The meaning of narratives in the head of the judge's decision, for justice based on the Almighty God, has a very broad and important meaning, because it is not only related to justice seekers but also closely related to human relations with Allah SWT, the creator of life. Not only in the scope of the responsibilities of the judge to the institution, justice seekers, and the community, but also the spiritual responsibility of the judge to Allah SWT.

The development of legal events in Indonesia today has become an extraordinary phenomenon in the law enforcement process in Indonesia. The era of the Covid-19 pandemic¹² which gave birth to several legal events seemed to show extraordinary legal phenomena in the life of the nation and state. Sometimes we find judges' decisions that are felt to be very detrimental to the sense of justice that lives and develops in society. Many verdicts that were born in a judicial process spawned injuries sense of justice, where the decision of the judge is perceived not siding on legal facts, legal data, truth, and justice.

The birth of a judge's decision that favors not the principle of justice tends to be very detrimental to the sense of justice, where the incident certainly cannot be

¹¹ Mohamad Syahrul RA, Yusuf Hamdika, and Sholahuddin Al-Fatih, 'The Impact of COVID-19 Through the Lens of Islamic Law: An Indonesian Case', *Lentera Hukum*, 7.3 (2020), 267–78 <<https://doi.org/https://doi.org/10.19184/ejhl.v7i3.18983>>.

¹² Sholahuddin Al-Fatih, Fachry Ahsany, and Ahmad Faiz Alamsyah, 'Legal Protection of Labor Rights During the Coronavirus Disease 2019 (Covid-19) Pandemic', *Jurnal Pembaharuan Hukum*, 7.2 (2020), 100–115 <<https://doi.org/10.26532/jph.v7i2.10975>>.

separated from the many influences and pressures in the judicial process. The influence of power holders and economic influence is one of the reasons or causes for the judge's decision not to favor the right one.[6] If the verdict is already affected by interest or motive other than truth and justice, then the judge's decision certainly will not give birth to one of the aims of the law is to fulfill a sense of justice.

Non-fulfillment of the justice community as a result of the birth of the verdict will present distrust of the institution of the judiciary and judges in the process of the settlement of a legal issue or issues that they face. Form of untrust or sense of distrust of society to the court that we can see of them is their vigilante (judge yourself) by the public against criminals, contempt of court, or more familiar with Contempt of Court, to the acts of violence physical against official's law enforcer.

The symptoms that exist in our society ultimately emphasize that the meaning of the head of the decision "For Justice Based on God Almighty" is the main guide for judges in making every decision or deciding for the case being handled. The explanation of Article 2 paragraph 1 of the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Powers states that the Court is conducted for the sake of Justice Based on the One Godhead is the implementation of Article 29 of the 1945 Constitution which stipulates that the Indonesian state is a state.¹³ which is based on the One Supreme Godhead where the state guarantees the independence of each resident in embracing their respective religions and to worship according to their religion and beliefs.¹⁴

The philosophical meaning of the narrative "for justice based on one divinity" certainly will never be separated from understanding and knowledge of the meaning of justice itself. The meaning or understanding of justice is strongly influenced by various backgrounds and the environment of everyone. For example, understanding justice for farmers who gave birth to coastal land in the South Coastal area of Yogyakarta will be very different from the understanding of factory workers in Jakarta. So, by understanding undergraduate education law it will be very different from understanding with a law degree. On the reason that the author sought to provide understanding or meaning of narratives about the meaning of justice from leading figures in the world of law.¹⁵

Justice according to Hans Kelsen is a certain social order under the protection, the search for truth can develop.¹⁶ Therefore, my justice is the justice of freedom,

¹³ Abdul Kadir Jaelani, Alexander A. Kurniawan, and Lusia Indrastuti, 'Pelaksanaan Standarisasi Pemberian Paten Dalam Inovasi Bidang Obat-Obatan Di Indonesia', *Legality : Jurnal Ilmiah Hukum*, 27.2 (2019), 259–74 <<https://doi.org/10.22219/jihl.v27i2.10173>>.

¹⁴ Noor Fajari Rofiq, 'Reconstruction of Prostitution Law in Perspective of Religious Norms and Renewal of Criminal Law', *Audito Comparative Law Journal (ACLJ)*, 1.2 (2020), 105–12 <<https://doi.org/10.22219/audito.v1i2.13790>>.

¹⁵ A. Khudori Soleh, 'Mencermati Teori Keadilan Sosial John Rawls', *ULUL ALBAB Jurnal Studi Islam*, 5.1 (2018), 175–92 <<https://doi.org/10.18860/ua.v5i1.6152>>.

¹⁶ Hans Kelsen, 'General Theory of Law and State. [Teoría General Del Derecho y Del Estado]', 1949.

peace justice, justice of democracy, and tolerance justice.¹⁷ On the other hand, Hans Kelsen provides the meaning of justice in the sense of legality, the general rule is fair if applied to all cases in accordance with the contents that must be applied. General rules are unfair if it applies to one case and does not apply to othersimilar cases. Hans Kelsen in this case provides an understanding of justice in the sense of legality is a quality associated with a positive legal order content, but its application.¹⁸

Meanwhile, M Soebagio and Slamet Supriatna provide an understanding of justice as a balance between rights and obligations, in other words, the justice doesnot mean that the law always equates everyone.¹⁹ Roscoe Pound opinion, justicecan be seen from the concrete results that can be given to the public. He saw the results obtained must be in the form of satisfactory human needs as much as possible with the smallest sacrifice. ²⁰ While Aristotle provides an understandingthat justice is defined as a political policy whose rules are the basis of state regulations and these rules are the correct size.²¹ From the several understandings of justice above, the author gives the meaning of justice as equality of treatment between the rights and obligations inherent in every human being based on the values that live and develop in societyand the laws and regulations that apply in Indonesia without being discrimination.²²

Article 197 paragraph 1 sub a of Law State of the Republic of Indonesia No.8 of 1981 on Criminal Proceedings, noted that "the head of the verdict is written reads " For Justice Based on God " it is of course very much in tune with the provisions of Article 2, paragraph 1 State Law of the Republic of Indonesia Number48 of 2009 concerning Judicial Power.²³ The provisions above provide furtherstrengthening of the meaning that every justice must be based on God Almighty. The philosophical meaning contained in the narrative of the head of the decision becomes the guideline and basis for judges in making decisions on a casethat is being tried.²⁴ Deciding on a case that is being handled is certainly

¹⁷ Devi Triasari, 'Right to Sanitation : Case Study of Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 147–63 <<https://doi.org/10.53955/jhcls.v1i3.20>>.

¹⁸ Moh Iqra, Syabani Korompot, and Al-fatih David, 'The Principle of Equality Before the Law in Indonesian Corruption Case : Is It Relevant?', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 135–46.

¹⁹ M Soebagio and Slamet Supriatna, *Dasar-Dasar Ilmu Hukum* (Jakarta: Akademika Presindo, 1987).

²⁰ *Op. Cit.* Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya, 1996).

²¹ Resti Dian and Suwiat Jenvitchuwong, 'Implementation of Halal Product Assurance in the Pharmaceutical Sector in Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 164–79 <<https://doi.org/https://doi.org/10.53955/jhcls.v1i3.19>>.

²² Ratna Sofiana, Satria Utama, and Abdur Rohim C, 'The Problems of Halal Certification Regarding Consumer Protection in Malaysia and Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 180–93 <<https://doi.org/https://doi.org/10.53955/jhcls.v1i3.16>>.

²³ Muh Risnain, 'Eksistensi Lembaga Quasi Judisial Dalam Sistem Kekuasaan Kehakiman Di Indonesia : Kajian Terhadap Komisi Pengawas Persaingan Usaha', *Jurnal Hukum Dan Peradilan*, 3.1 (2014), 49–58.

²⁴ Utkarsh K Mishra and Abhishek Negi, 'Should Trade Remedies Be Eliminated from WTO : A Response to Tania Voon', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 194–200.

not only accountable to the institution, court leadership, or superiors, but must be able to beaccountable to justice seekers, the general public, religion, and of course to God Almighty because the judge is wrong.²⁵ As an element in the Criminal Justice System, judges must be able to make decisions in the fairest court. According to M. Soebagio, justice can be divided into 3 things, among others:²⁶

1. Communicative justice, justice where every human being or people in the community do not see social status and economic status.
2. Distributive justice, justice that gives to every person in accordance with its services where this justice does not adhere to the principle of equality but the principle of proportionality.
3. Justice attributes, authority owned by state officials in managing the government by imposing the rights and obligations of the community either through policies in general and the law in particular.

According to Bismar Siregar, the word for the head of the decision means oath that what is said to have value is not only externally but also internally.²⁷ This is a very firm inner value. Provisions regarding the obligation to include sentences not only mere formalities but become philosophical basis in every decision making and make decisions. Philosophical basis is a manifestation of the values of Pancasila that live and develop as a guide and view of the nation's life and as a source of all legal sources in Indonesia. Judges in the justice process are judicial authority holders who have an important role in the process of upholding justice. Judges in their position must be able to provide a sense of justice for the community. Bismar Siregar in an article state that "the law clearly states that the responsibilities of the judges are not to the state, not for the nation, but are first for Almighty God and to themselves".

The position of the judge is very noble in the judicial process so that in practice it is very necessary to have a judge who has high integrity, competence, commitment, loyalty, and a good level of faith in God Almighty.²⁸ A judge must have a personality that is wise, wise and not blameworthy, honest, fair, professional, hasor is an expert in the field of law because all judges' decisions will bring consequences that are not light. Judges in carrying out their duties and responsibilities, bear a very large responsibility, where every judge's decision taken will greatly impact justice seekers. If the decision

²⁵ Firman Floranta Adonara, 'Prinsip Kebebasan Hakim Dalam Memutus Perkara Sebagai Amanat Konstitusi Principles of Freedom of Justice in Decidene The Case as a Constitutional Mandate', *Jurnal Konstitusi*, 12.1 (2015), 1–20.

²⁶ Arif Purnama Oktora and Hilaire Tegnan, 'Strategy for Implementing Operations to Handle the Crime of Narcotics', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 201–13.

²⁷ Nurhayati Mardin, 'Makna Putusan Hakim (Tinjauan Filsafat Hukum)', *Aktualita*, 2.3 (2007).

²⁸ Abdul Ghoffar, 'Mewujudkan Mahkamah Konstitusi Sebagai Peradilan Yang Akuntabel Dan Terpercaya', *Pandecta: Research Law Journal*, 13.2 (2018), 76–88
<<https://doi.org/10.15294/pandecta.v13i2.16727>>.

taken by the judge is not right or is unable to bring about justice in society, it will have a tremendous impact on the community. someone who was "right" and not legally guilty will be punished or legal sanctions and instead an "incorrect" will gain freedom, lightness, and or benefit from the birth of the judge's decision.

Apart from the many factors that influence the judge's decision, and unfair judge's decision will certainly result in physical and spiritual suffering for the justice seekers concerned throughout their lives. In practice in the field, judges will always be required to be able to embody or describe the law to produce justice not only as a mouthpiece of the Law but also being able to translate and as a mouthpiece of the law.²⁹ The judge thus can give a decision and or deliver a verdict that is fair based on God according to article 12, paragraph 1 of the Act of State of the Republic of Indonesia Number 48 the Year 2009 concerning Judicial Authority stating, "For the sake of justice Based on Belief in God One". Judges as ordinary people can never be separated from subjective nature, especially in making decisions, judges are sometimes influenced by power-hungry, subjectivity, egoism, hypocrisy, and other bad qualities that can worsen or damage the judge's image. as law enforcement. The tough challenge of a judge in carrying out his duties and obligations will be a natural selection for the quality of judges. If the judge is able or succeeds in defeating these bad qualities, then his decisions are decisions that have the nuances of justice and if they are not successful, then the decisions are certainly very contrary to the sense of justice.³⁰

In the opinion of several legal experts, in judicial practice in Indonesia, there are several classifications of a judge when it is associated with his decision, including:

1. The judge blames the wrong and justifies the right.
2. The judge blames the right and justifies the wrong.
3. Judges do not know what is right and what is wrong.

The integrity of the judge is very much determined by himself, choosing what kind of judge to become a judge all depends on the personality of the judge.³¹ The choice to be a judge who blames the wrong and or justifies the right is certainly not easy, because there are many very big worldly

²⁹ Fatma Ulfatun Najicha, 'Oil and Natural Gas Management Policy in Realizing Equal Energy in Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12 <<https://doi.org/10.53955/jhcls.v1i2.8>>.

³⁰ Muhammad Sabil Ryandika and Jatmiko Wirawan, 'Penerapan Peran Hakim Agung Sebagai Judex Juris Dalam Perkara Pidana Studi Kasus Putusan MA No. 2239 K/PID.SUS/2012', *Jurnal Penelitian Hukum*, 2.2239 (2015), 90–104.

³¹ Ni'matul Huda, *Rekonstruksi Kedudukan Dan Kewenangan Dewan Etik Hakim Konstitusi Sebagai Upaya Memperkuat Integritas Hakim Konstitusi* (Jakarta: Pusat Penelitian dan Pengkajian Perkara dan Pengelolaan Perpustakaan Kepaniteraan dan Sekretariat Jenderal Mahkamah Konstitusi, 2018).

temptations.³² Because overcome temptation that is worldly necessarily requires enormous sacrifice that comes to conscience. Judges in their profession must man up and be free from pressure on anyone and anywhere, including the judiciary itself. For this reason, the judge must have a good mentality, be strong, honest, and not shaken by temptation or wealth, and not afraid of pressures from anywhere and by anyone. In giving his decision, the judge must try to realize law and justice.³³ Justice for every human being is not justice for the rulers and owners of capital. Here it is clear that the relationship between law and justice cannot be separated by anything. To ensure law enforcement and justice, judges do not only function as law enforcers but must be law enforcers and justice in society.³⁴

Because of the sense of justice there, there, and developing in the community, a good judge must be able to measure his decision whether he can give birth to a sense of public justice or not. For this reason, a law as law enforcement and justice must be able to explore, follow and understand the legal values that live in the community. In addition to law and justice, the most important thing is that they must all be based on justice based on one divination. This can be seen from the decision of the judge containing "for justice based on one God" not by law or on behalf of others.³⁵

The decision of the judges was preceded by phrases, "as justice based on God" not only as before the verdict but promises or promises of the judge that the decision was for justice based on God. The phrase or narrative of one divinity in every judge's decision shows that every judge's decision must have a spiritual or religious dimension. The attachment of the judge's actions for his religion, of course, cannot be seen only from the word "divinity" but must be a measure of the assessment of each judge in the action of the judge.³⁶

IV. Conclusion

Based on the discussion above, the philosophical meaning of the narrative "For Justice Based on God Almighty" contained in the provisions of Article 2

³² Soeleman Djaiz Baranyanan, 'Simplification of Law Regulations in Copyright Criminal Act Settlement', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12 <<https://doi.org/10.53955/jhcls.v1i2.9>>.

³³ Arifin Ma'ruf, 'Application of Timber Legality Verification System (SVLK) Policy as Ecolabel Implementation in the Indonesian Timber Industry', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12 <<https://doi.org/10.53955/jhcls.v1i2.10>>.

³⁴ Andi Akbar Herman and Muhammad Jihadul Hayat, 'Management of High Secondary Education After Regional Government Law', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12 <<https://doi.org/10.53955/jhcls.v1i2.11>>.

³⁵ M. Jamil, 'Fiduciary Security Arrangements and Issues in Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12 <<https://doi.org/10.53955/jhcls.v1i2.1>>.

³⁶ Gabriella Talenta Sekotibo, 'The Strength of Evidence (Certificate) in Land Rights Disputes According to Government Regulation No. 24 of 1997 Concerning Land Registration', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 42–53 <<https://doi.org/10.53955/jhcls.v1i2.12>>.

paragraph 1 of the Law of the Republic of Indonesia No. 48 of 2009 concerning Judicial Power is that the judge as to the holder of the highest power in the court process in making his decision must be completely objective and must be separated from subjective aspects as a basic human nature. To ensure justice, judges' decisions must be as objective as possible. The decision must pay attention to the objective facts in the trial so that the decision has the nuances of justice which will be accountable not only to the litigants, court leaders, and the general public but also to be accountable to God Almighty. The sentence "For Justice Based on God Almighty" is not only the head of the decision, but is the embodiment of an oath or promise which means that what is said, taken, or decided is an embodiment of the spiritual value of a judge. The oath which is the embodiment of the values of servitude and devotion to God Almighty is not a transactional value, collusion, and nepotism and is not justice based on the will of the judge himself, the authorities, or the owners of capital.

To realize the philosophical meaning of the narrative "For Justice Based on God Almighty" as stated in Article 2 paragraph 1 of the Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power, of course, requires patterned and structured steps. Because to realize justice as mentioned above certainly will not be easy because there are so many factors that influence it. Strong, solid, and anti-corruption, collusion, and nepotism regulations are certainly the first steps that we can use to bring about justice in that society. In addition to strengthening regulations, the basic thing in realizing this is of course improving the integrity and performance of judges. To produce judges who have high honesty and integrity certainly cannot be separated from the pattern of recruitment of judges themselves. In the recruitment of judges, the requirements for appointing judges should not only be seen in terms of their ability, expertise, or skills in law. Condition for such recruitment should also be considered a mental factor, honesty, character, and faith in God Almighty of a prospective judge.

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