

INCLUSIVITY AND SUPREMACY OF LAW : AN ANALYSIS THROUGHT THE PERPSECTIVE OF HADITH

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Abstract

This study aims to explore the role of inclusive governance and the rule of law in protecting human rights through the perspective of Hadith. Employing a qualitative normative-analytical method, the research analys selected Hadiths emphasizing justice, consultation, and the protection of marginalized groups. Data were collected from primary Islamic sources and secondary literature on governance and human rights. The findings reveal that the principles of justice ('adl), consultation (shura), and protection of vulnerable populations align with modern governance concepts, particularly in addressing inequalities and ensuring accountability. This study concludes that integrating Hadith-based values into governance frameworks offers a transformative approach to strengthening human rights in a post-globalization context.

Keywords: *Inclusive Governance; Rule of Law; Human Rights; Hadith; Justice; Consultation; Post-Globalization.*

Abstrak

Penelitian ini bertujuan untuk mengeksplorasi peran tata kelola inklusif dan supremasi hukum dalam melindungi hak asasi manusia melalui perspektif hadis. Dengan menggunakan metode kualitatif normatif-analitis, penelitian ini menganalisis hadis-hadis terpilih yang menekankan keadilan, musyawarah, dan perlindungan terhadap kelompok rentan. Data dikumpulkan dari sumber utama Islam serta literatur sekunder tentang tata kelola dan hak asasi manusia. Hasil penelitian menunjukkan bahwa prinsip keadilan ('adl), musyawarah (shura), dan perlindungan kelompok rentan sejalan dengan konsep tata kelola modern, terutama dalam mengatasi ketimpangan dan memastikan akuntabilitas. Penelitian ini menyimpulkan bahwa integrasi nilai-nilai berbasis hadis ke dalam kerangka tata kelola menawarkan pendekatan transformatif untuk memperkuat hak asasi manusia dalam konteks pasca-globalisasi.

Kata Kunci: Tata Kelola Inklusif; Aturan Hukum; Hak Asasi Manusia; Hadits; Keadilan; Konsultasi; Pasca-Globalisasi.

INTRODUCTION

The post-globalization era has introduced profound transformations in governance, democracy, and legal systems, often resulting in heightened inequality, social fragmentation, and diminished public trust in institutional frameworks. (Vlados, 2024) Despite various global initiatives aimed at fostering inclusivity and equity, many governance models fail to address the systemic disparities that persist across nations. (Acemoglu & Robinson, 2013) This gap underscores the need for innovative approaches to inclusive governance and the rule of law that prioritize the protection of human rights.

Law enforcement in the context of Indonesia has recently been in a troubling situation. This can be seen from the law enforcement index in Indonesia, which has experienced a stagnation of credit points since 2015. This has placed Indonesia in ninth place out of 15 countries in the regional scope. In fact, the Indonesian constitution has declared that Indonesia is a state based on the rule of law. Even according to Laode M. Syarif, several institutions that were considered

embodiments of the reform spirit, such as the KPK, have recently been weakened, the drafting of laws or regulations has become less transparent, nepotism has been normalized, and the handling of cases has been unjust for certain groups. (Thea DA, 2023) More specifically, the Corruption Perceptions Index in Indonesia experienced a decline in 2023, dropping from 110th to 115th out of 180 countries. (KSP, 2024)

More than that, the poor record of law enforcement in Indonesia can be seen from several legal cases that are still far from being just. For example, The judge handling the assault case involving the suspect Ronald Tannur is not directly mentioned in the provided sources. However, it is important to note that elite involvement in social protest may sometimes contribute to the demise of a movement rather than its success, even in cases of moderate reform movements. It turned out later that the judge handling the case received a bribe of a fantastic amount, and it was even uncovered that there was a legal mafia syndicate within the Supreme Court. (Noroyono, 2024) The narrative of the concerning law

enforcement case has been reported multiple times across various media channels.

Various legal issues that occur should serve as a warning signal for the decline of the rule of law in Indonesia. The supremacy of law should be strengthened and emphasized again in the framework of law enforcement in Indonesia. As stated by Soetandjo Wignjosubroeto, the Supremacy of Law is an effort to place the law and its enforcement in the highest position within a country in order to protect all layers of society without any intervention from any party, especially state officials. Thus, it can be understood that enhancing the integrity of law enforcement, providing social justice, and ensuring the protection of each individual's rights in the state and society are the main objectives of the rule of law.(Idayanti, Haryadi, & Widyastuti, 2020)

While existing studies broadly discuss the principles of inclusive governance and the rule of law, they are still limited in terms of ethical frameworks or traditional concepts. However, it is extremely difficult to find research related to Islamic teachings derived from Hadith and their contribution to

contemporary governance challenges. This research gap highlights the untapped potential of integrating religious values into modern governance systems to address disparities and strengthen the mechanisms of governmental legitimacy.(Kirin dkk., 2024)

This article aims to bridge this gap by analyzing the principles of justice (*'adl*), consultation (*shura*), and protection of marginalized groups as reflected in the Hadith. For example, in a country with a significant Muslim population, policymakers could use Islamic teachings on justice to ensure fair distribution of resources and opportunities among all citizens.(Isnaeni, Fauzan, Susanto, Ghozali, & Saputra, 2024) Additionally, the principle of consultation could be incorporated into decision-making processes to enhance transparency and public participation in governance. These principles are examined for their alignment with modern governance frameworks, with a particular focus on their relevance in promoting inclusive decision-making and ensuring equitable legal protections in diverse socio-political contexts.

The scope of this study includes a thematic analysis of the selected Hadith

and a review of contemporary governance practices. In this case, namely the hadith in *Shahih Bukhari and Muslim* book. Then the researcher seeks to find the relevance between Islamic teachings and the principles of modern governance. Thus, this research aims to offer a transformative perspective in building a governance model that is not only based on textual theory but also practical, contextual, and viable in the post-globalization world.

LITERATURE REVIEW

This research is based on hadith analysis, so the first previous research is the hadith book which is the main reference in this research. The Sahih Muslim book is a collection of high-quality hadiths. The hadiths contained in this book have undergone a rigorous selection and verification process, making their authenticity trustworthy. (Rizapoor, Poya, & Athari, 2023) This book has become one of the main references for Muslims in understanding the teachings of Islam, particularly the guidance of the Prophet Muhammad SAW. By studying the Sahih Muslim hadith book, Muslims can acquire accurate knowledge that can serve as a guide in their daily lives.

This book also serves as a source of guidance and motivation for Muslims to enhance their faith and piety towards Allah SWT. The hadiths contained in this book also provide practical guidance for daily life, from the methods of worship to social ethics. In addition, the Sahih Muslim hadith collection also provides a deeper understanding of the history and life of the Prophet Muhammad (peace be upon him), who is considered an "*uswatun-hasanah*", so that Muslims can draw wisdom and lessons from every event he experienced.

Then in the aspect of government and human rights studies there is research conducted by Graham, Amos, and Plumtre (2013) which emphasize that inclusive governance principles are critical for fostering sustainable development and ensuring human rights protection. Their study highlights participatory decision-making, accountability, and equity as core elements of governance that align with human rights objectives. However, while their research focuses on contemporary governance systems, it does not explore how religious or cultural frameworks, such as Islamic principles, can enhance these systems.

In contrast, Kamali integrates Islamic perspectives into discussions of governance, emphasizing principles of justice (*'adl*) and consultation (*shura*). Kamali argues that these values provide moral guidance for addressing societal inequalities and promoting public trust. Although Kamali's work aligns with Graham et al. in prioritizing justice and inclusivity, it uniquely incorporates Islamic teachings, offering a culturally contextualized approach to governance (Batchelor, 2014).

Meanwhile, Tamanaha (2015) provided a comprehensive analysis of the rule of law as a fundamental element of governance. His work discusses the challenges of maintaining legal integrity and fairness in an increasingly interconnected world. Tamanaha's findings align with contemporary global governance frameworks but remain secular in scope.

Esposito expand on this by examining how Islamic jurisprudence can contribute to strengthening the rule of law. They argue that Islamic principles emphasize accountability and transparency, which are essential for legal systems in the post-globalization context. This aligns with Tamanaha's emphasis on fairness but adds a unique dimension by integrating ethical values derived from

religious teachings. (Esposito, Sonn, & O. Voll, 2016)

Held (2018) discusses the role of governance in addressing inequalities, focusing on the inclusion of marginalized communities in policy development. His study highlights the importance of participatory mechanisms and social safety nets. However, Held's analysis does not explore the influence of religious frameworks on these efforts.

An-Na'im (2010) bridges this gap by exploring how Islamic principles prioritize the protection of marginalized groups. His study demonstrates that the Hadith and other Islamic texts advocate for the dignity and rights of vulnerable populations, aligning with Held's findings but providing an additional ethical and moral foundation for inclusive policies (An-Na'im, 2010).

RESEARCH METHOD

This research uses a type of library research. As according to Arikunto, library research is a research activity that focuses on collecting library data, such as from the Al-Qur'an, books, journals, results of previous research, and other scientific texts. In this case the object of study is the hadith book and several other related references. (Arikunto, 2010)

The research approach used is a qualitative approach. As according to Azmar Saifuddin, qualitative analysis is an emphasis on the process of comparative inference and analysis of the dynamics of relationships between observed phenomena using scientific logic. The resulting data is descriptive. This research uses descriptive analysis methods to analyze data. Data were reviewed and investigated in three stages; general, exploratory, and focused on learning. This is comprehensive material in an effort to summarize the findings and summarize the results. Historical analysis is carried out by collecting, exploring and focusing on learning the substance of hadith data and understanding related to the hadith. (Azmar, 2001)

The analysis integrates thematic interpretations of Hadiths with contemporary governance theories. Thematic coding was applied to identify recurring principles in Hadith texts, and these were compared with findings from governance studies. Data were processed using the following stages:

- 1).Textual Analysis: Examination of Hadith texts to identify key principles related to governance and human rights.
- 2). Comparative Analysis: Evaluation of the compatibility between Hadith

principles and modern governance practices.

RESULTS AND DISCUSSION

Inclusive Governance and Human Rights Protection

The study highlights the alignment between inclusive governance and the principles of justice (*'adl*) and consultation (*shura*) derived from Hadiths. The thematic analysis reveals that these principles are essential for fostering accountability, equity, and participatory governance, aligning with previous studies (J., B., & T., 2003).

Regarding the inclusive attitude that creates justice, the Prophet Muhammad SAW has said:

"انصر أخاك ظالما أو مظلوما" فقال رجل: يا رسول الله، أنصره إذا كان مظلوما، أفرأيت إذا كان ظالما كيف أنصره؟ قال: "تحجزه، أو تمنعه، من الظلم فإنّ ذلك نصره" رواه البخاري (Muhammad bin al-Bukhari, t.t.)

This hadith emphasizes the importance of preventing injustice, as seen in the message of Prophet Muhammad that it is important to help both the victims and the perpetrators of injustice, even those who are closest to us or whom we love. This serves as a reminder that our loyalty should always side with justice and truth, rather than blindly supporting those who may be wrong. By speaking out against

oppression and holding those responsible accountable for their actions, we ultimately support them in becoming better individuals and contributing to a more just society.

In addition, the Prophet Muhammad SAW also emphasized to us the equality of every human being before the law. Even the Prophet Muhammad implicitly stated that humans must indeed be able to live in diversity, but diversity does not grant anyone special privileges in the eyes of the law. Therefore, the Prophet Muhammad cleastated;

"أَنَّ اللَّهَ لَا يَنْظُرُ إِلَى صُورِكُمْ وَأَمْوَالِكُمْ، وَلَكِنْ يَنْظُرُ إِلَى قُلُوبِكُمْ وَ أَعْمَالِكُمْ". رواه مسلم (Shohih Muslim, 2002)

That hadith clearly contradicts the reality that has been happening lately. We often see how the law is influenced by someone's appearance and wealth, rather than by the applicable legal facts. In the case of Tannur alone, we are shown how the legal mafia with its syndicate has reaped significant profits by exploiting wealthy individuals involved in legal cases. Not only that, they also influence legal decisions through corruption and manipulation efforts. (Noroyono, 2024)

The paradoxical phenomenon that often occurs is caused by the emergence of an oligarchy within the judicial system. The oligarchy is able to manipulate the legal

process for personal gain. As Aristotle said, oligarchy is a deviation from the form of government carried out by a small group of wealthy individuals who should serve the public interest but instead serve their personal or group interests. Thus, the detrimental form of oligarchy is the erosion of the rule of law, which subsequently impacts the decline of justice inclusivity within the state. (Suteki, 2022)

By doing so, we uphold the values of compassion and justice that are at the core of Islamic teachings. Through our actions and words, we can have a positive impact on those around us, guiding them towards truth and moral integrity. As believers, it is our duty to stand firm on the truth and speak out against all forms of injustice, no matter how uncomfortable or challenging it may be. Because Islam is a religion that upholds the values of justice, as opposed to the prohibition of wrongdoing. (Khasan, 2017) In the end, our efforts to promote justice and equality are not only acts of worship but can also have a positive impact on community life as a whole.

The integration of Islamic principles into governance models provides a culturally grounded framework for addressing inequalities and protecting human rights. This finding supports Held's (2018) assertion that inclusive decision-making mechanisms significantly improve

governance outcomes. (Sánchez-Soriano, Arango-Ramírez, Pérez-López, & García-Montalvo, 2024) By incorporating Islamic principles into governance, we are able to create a system that prioritizes fairness and equity for all members of society. This approach not only aligns with the core teachings of Islam but also has the potential to foster a more cohesive and harmonious community. As we strive to promote justice and equality, we are not only fulfilling our religious duties but also contributing to the betterment of society as a whole. Held's (2018) research emphasizes the importance of inclusive decision-making in achieving effective governance and societal well-being, further reinforcing the significance of integrating Islamic values into our governance models. (Sari, 2023)

Implications of Inclusive Governance

The findings imply that incorporating religious ethical frameworks into modern governance models could enhance public trust and promote equitable policy-making. This approach bridges the gap between traditional values and contemporary governance needs, offering a transformative pathway for human rights protection in diverse contexts.

Moreover, inclusive governance practices can also generate greater social cohesion and stability within the civil community. (Julita, Gultom, Carnova, & Ivanna, 2024)

In addition to increasing active participation from a broader segment of society, it can also ensure a strong and sustainable rule of law in every handling of legal cases. If the certainty of the rule of law is maintained, then justice and the protection of human rights will be guaranteed. This can help reduce social inequality in the eyes of the law and improve the quality of social life for the broader community in a country. (Putra dkk., 2024)

Rule of Law in the Post-Globalization Era

In the Islamic view, the supremacy of the law must be upheld under any circumstances. Even no one is allowed to negotiate the law once it has been established by the lawmaker. As the Prophet Muhammad SAW once said in Sahih Muslim hadith number 1337:

"ما نهيكم عنه فاجتنبوه، وما أمرتكم به فافعلوا منه ما استطعتم، فإنما أهلك الذين من قبلكم كثرة مساء لهم، واختلافهم على أنبيائهم". رواه مسلم. (Hajjaj, 1994)

The emphasis on following the law without question is very important in maintaining order, discipline, and justice in society. In the post-globalization era, where various cultures and legal systems may collide, the supremacy of law is increasingly important in ensuring justice and equality for all individuals. It serves as a single unifying principle that

transcends cultural and religious differences, providing a foundation for peaceful coexistence and global cooperation. The principles of the rule of law, such as accountability, transparency, and equality before the law, are crucial in promoting stability and protection of rights in the post-globalization era. (Gahramanova, 2024)

In upholding the supremacy of law without compromise, societies can maintain order and discipline while ensuring justice for all individuals. The principles of accountability, transparency, and equality before the law must be upheld without negotiation to promote stability and protect rights in the post-globalization era. This unyielding commitment to legal principles serves as a foundation for peaceful coexistence and global cooperation in a diverse and interconnected world.

For example, in international countries like Sweden, where the rule of law is strictly enforced, as evidenced by its high rankings in various global indexes such as the Rule of Law Index from the World Justice Project and the EU commission's rule of law reports. (Sannerholm, 2023) So that individuals can trust the legal system to protect their rights and ensure justice is upheld. This has resulted in a stable society where citizens feel safe and empowered to actively participate in the democratic process without fear of

corruption, collusion, or even discrimination.

This aligns with Tamanaha's framework, which emphasizes that the rule of law is crucial for maintaining societal balance in an interconnected world. (Tamanaha, 2004) However, the integration of Islamic principles adds an ethical dimension, ensuring that legal systems are not only fair but also compassionate. (Nasrul, Setiawan, & Hamin, 2024)

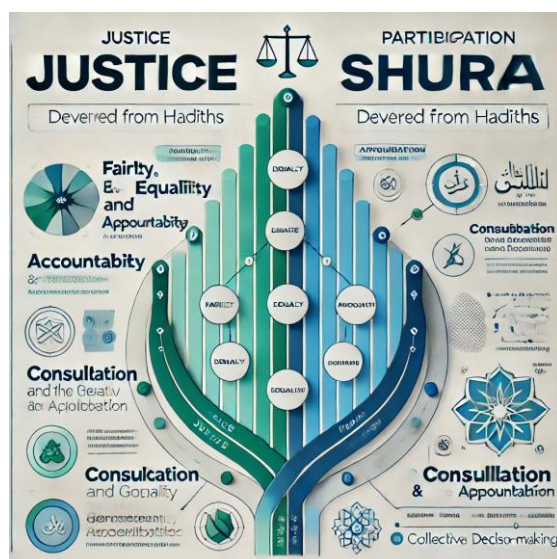
Through the implementation of Islamic principles, legal systems can promote values such as compassion, mercy, and justice, which are essential for fostering a harmonious and inclusive society. This holistic approach to the rule of law acknowledges the importance of not only upholding legal standards but also promoting moral and ethical principles. As a result, individuals can have faith in the legal system's ability to protect their rights while also promoting a sense of community and solidarity among all members of society. Ultimately, this integration of Islamic ethics into legal systems can help create a more just and equitable society for all. (Ali, Anjum, Iqbal, & Ahmad, 2024)

Implications of Strengthening the Rule of Law

Strengthening the rule of law through the lens of Hadith principles could mitigate systemic biases and foster a more equitable society. This underscores the importance of integrating ethical and

legal frameworks to address the complexities of governance in the post-globalization era.

By incorporating Hadith principles into legal systems, societies can promote justice, accountability, and transparency (Husain, Ayoub, & Hassman, 2024). This approach can also help in reducing corruption and ensuring that laws are applied fairly to all individuals, regardless of their social status or background. Additionally, by emphasizing the rule of law based on ethical principles, societies can build trust in their institutions and create a more stable and harmonious environment for all citizens.



Picture 1. Comparison Chart of the Principles of Justice and Participation in Hadith

Protection of Marginalized Groups

The Hadith analysis highlights the prioritization of protecting marginalized populations as a fundamental governance principle. This finding

supports An-Na'im's (2010) assertion that the protection of vulnerable groups is critical for achieving social equity (An-Na'im, 2010).

Furthermore, the Hadith analysis also emphasizes the importance of providing equal access to resources and opportunities for all individuals within society. This aligns with the principles of justice and fairness that are central to Islamic teachings. By recognizing and addressing the needs of marginalized populations, a more inclusive and just society can be created, ultimately leading to greater social cohesion and stability (Tang & Estrada-Reveles, 2021). In this way, the Hadith analysis serves as a valuable tool for guiding governance practices that promote equality and justice for all members of society.

The implications are particularly relevant in addressing contemporary challenges, such as economic inequality and systemic discrimination. Integrating these principles into governance models ensures that marginalized voices are included in policy development, enhancing social cohesion and equity.

Table 1. Comparison of the Principles of Justice and Participation in Hadith

Principles	Main Concept	Hadith
Justice ('Adl)	Emphasizing equality, honesty, and responsibility	"Indeed, Allah does not look at your appearances or

	y in decision-making and law.	your wealth, but He looks at your hearts and your deeds."
Active Participation (Shura)	Prioritizing deliberation in decision-making by involving various parties.	"Support your brother, whether he is an oppressor or the oppressed." A man said, "O Messenger of Allah, I can support him

		when he is oppressed, but how can I support him when he is the oppressor?" He said, "Prevent him or restrain him from committing injustice, for that is how you support him."
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CONCLUSION

The findings of this study demonstrate that principles derived from Hadith, such as justice (*Adl*), consultation (*Shura*), and the protection of marginalized groups based on supremacy of legal, align closely with the core tenets of inclusive governance and the rule of law. These principles provide a moral and ethical foundation for addressing systemic inequalities and enhancing participatory governance in a post-globalization era. By integrating these values into modern governance frameworks, policymakers can promote human rights protection and ensure equitable legal systems that resonate with diverse cultural and religious contexts.

In light of these findings, it is recommended that future studies explore the practical applications of Hadith-based principles in specific governance models across different regions. This approach could further illuminate how traditional ethical frameworks can address contemporary governance challenges and contribute to sustainable development.

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