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The Impact of the Constitutional Court Decision on Political Interests from a Sharia Perspective

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Abstract:

Constitutional Court (MK) decisions play an important role in the dynamics of political interests in Indonesia. As an institution that has the authority to review laws against the constitution, the Constitutional Court's decisions are often the basis for policy changes that have a significant impact on various parties. However, from a sharia perspective, these decisions are not only assessed in terms of legality, but also in terms of morality and the benefit of the people. This study aims to analyze the impact of the Constitutional Court's decision on political interests from a shariah perspective. Using qualitative normative research methods and literature studies, this research examines Islamic legal theories and principles of sharia that are relevant to interest politics. The results show that although the Constitutional Court's decisions are often oriented towards practical political interests, there is an ethical dimension in shariah that directs the importance of policies oriented towards the benefit of the people, justice and truth. In this case, the Constitutional Court's decisions must take into account the principles of sharia in order to realize policies that are in accordance with the Islamic goal of creating welfare and social justice.

Keywords: Political Interests; Sharia; People's Welfare

Introduction

Amidst the dynamics of Indonesian legal politics, the Constitutional Court (MK) plays a vital role in upholding the principle of constitutionality through its decisions. However, the impact of these decisions on political interests is often a topic of controversy. It has been argued that the Court's decisions are not only based on purely legal arguments, but are also influenced by the political interests surrounding the legal process. In this context, it is important to analyze how the Constitutional Court's decisions can influence political dynamics, be it in the aspects of policy making, legislation, or relations between political forces in Indonesia.

Previous studies that examine the relationship between the Constitutional Court's decision and political interests show a variety of opinions. Among them are regarding the age limit of presidential and vice presidential candidates, in Constitutional Court Decision No. 90/PUU-XII/2023. Study conducted by Arif Sugitanata, in his journal entitled “The Dynamics of the Constitutional Court Decision regarding the Age Limit for Presidential

and Vice Presidential Candidates". According to him, in the Maqashid Syariah analysis, this change is considered in line with Islamic principles, including the maintenance of religion, soul, reason, and balance in the political and legal system. While providing new opportunities, this change has also sparked debate regarding its long-term implications for political dynamics and societal stability. Further evaluation and community engagement are considered important steps to ensure the changes are compatible with Islamic values (Arif Sugitanata, 2023).[1]

Recently, the Constitutional Court granted the petition filed by the Labor Party (*Partai Buruh*) and the Gelora Party (*Partai Gelora*) regarding the nomination threshold in regional head elections (*Pilkada*). Through Decision of the Constitutional Court Number 60/PUU-XXII/2024, the Court ruled that the nomination threshold for regional elections would no longer be 25 percent of the previous legislative election vote share or 20 percent of seats in the Regional House of Representatives (DPRD) for political parties or party coalitions. Instead, the Court decided that the nomination threshold for political parties should be aligned with the threshold applied to independent/non-party candidates, as stipulated in Articles 41 and 42 of the Pilkada Law.

In a study conducted by Sultoni Fikri, published in a journal article titled *"An Analysis of Constitutional Court Decision Number 60/PUU-XXII/2024 on Political Rights from the Perspective of Social Contract Theory,"* the ruling is seen as an effort to balance power, protect individual rights, and strengthen the voice of the people in politics. However, he cautions that without concrete safeguards and effective mechanisms, efforts to broaden political participation risk slipping into injustice and co-optation by more dominant political forces. (Sultoni Fikri).[2]

However, these studies have not adequately examined the impact from a shariah perspective, where the principles of Islamic law are often a concern in the context of politics and law in Indonesia. The strength of previous studies lies in their in-depth understanding of the relationship between politics and law, but they pay less attention to how the Constitutional Court's decisions, especially in the context of political interests, are viewed from a shariah perspective. On the other hand, the shortcoming of this study is the lack of discussion regarding how the sharia perspective can provide a critical assessment of the political interests that occur in the decision-making process at the Constitutional Court.

This paper aims to fill this void by examining the impact of the Constitutional Court's decision on political interests from a shariah perspective. In this case, sharia studies are expected to provide new insights into whether the Constitutional Court's decision is in accordance with the principles of justice in Islam and how it affects political and social dynamics in Indonesia. The main issue to be discussed is whether the political interests that influence the Constitutional Court's decision are in line with the values of justice and maslahat in sharia, and how sharia solutions can be applied in order to improve the practice of legal politics in Indonesia. Thus, the purpose of this study is to offer an alternative perspective in assessing the Constitutional Court's decision, as well as to

[1] Arif Sugitanata, "Dinamika Keputusan Mahkamah Konstitusi Terkait Batas Usia Calon Presiden Dan Wakil Presiden," *Qaumiyyah: Jurnal Hukum Tata Negara* 4, no. 2 (2023): 23–42, https://doi.org/10.24239/qaumiyyah.v4i2.79.

[2] Sultoni Fikri, "Analisis Putusan Mahkamah Konstitusi Nomor 60/PUU- XXII/2024 Terhadap Hak Politik Dalam Perspektif Teori Kontrak Sosial," *Amsir Law Journal* 6, no. 105 (2024): 40–55, https://doi.org/10.36746/alj.v6i1.589.

provide recommendations for the improvement of a political legal system that is more just and in favor of the interests of the people as a whole.

Methods

This research method uses a qualitative normative approach with a literature study. This type of research aims to analyze the impact of the Constitutional Court's decision on interest politics from a sharia perspective through the study of legal documents, academic literature, and relevant fatwas. The main data sources come from laws, decisions of the Constitutional Court, scientific works, and sharia literature that discusses interest politics and related sharia principles. Data collection techniques were carried out by literature study, namely by examining and reviewing relevant literature. Data analysis was carried out descriptively analytically, by identifying the relationship between the Constitutional Court's decision and its impact on interest politics, and linking it to relevant sharia principles.

Discussion

Relationship between the Constitutional Court's Decisions and Shariah Principles in the Governance of Political Interest in Indonesia

Article 24C(1) of the 1945 Constitution of Indonesia grants authority to the Constitutional Court as a judicial institution of the first and last level whose decisions are final and binding in terms of testing laws against the 1945 Constitution; deciding disputes over the authority of state institutions; deciding on the dissolution of political parties; and deciding disputes about the results of general elections. Conceptually, the main function of the birth of the Constitutional Court is a state institution that will carry out the function of judicial power in the context of being the guardian of law or as a guardian and guardian of legal norms, with this concept, the Constitutional Court is added to be the pioneer of the obedience of the state and its officials in producing a national legal product (Prolegnas) that is truly in accordance with the spirit of Pancasila and the Constitution of the Unitary State of the Republic of Indonesia (NKRI).[3] The political rights of citizens, such as the right to vote and be elected, are also a major concern of the Constitutional Court. The Court plays a role in resolving disputes over election results that may affect individual political rights. With the existence of the Constitutional Court, any election-related disputes can be resolved fairly and transparently, so that public trust in the democratic process is maintained.[4] The biggest democratic problem in Indonesia today is the weakness of political parties. Evidence of the problems of political parties starts with the recruitment of cadres, most of which are less serious and perfunctory. Qualified community leaders, lecturers and researchers are less and less involved in the executive and legislative branches. Two decades after the Reformation, political parties have not shown serious efforts in recruitment and regeneration. These activities are still centered on the period leading up to elections.[5]

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[3] Novendri M. Nggilu HUKUM Ahmad, Fence M. Wantu, *Hukum Konstitusi : Menyongsong Fajar Perubahan Konstitusi Indonesia Melalui Pelibatan Mahkamah Konstitusi*, *UII Press Yogyakarta*, 2020.

[4] Devi Anggreni. SY et al., "Peran Mahkamah Konstitusi Dalam Menjaga Stabilitas Hukum Di Indonesia," *Jurnal Cerdas Hukum* 2, no. 2 (2024): 19–25.

[5] Jefrie Maulana Munandar Agung ,Muhammad Nahyan Zulfikar, Chandra Darusman S, "PENGARUH PUTUSAN MAHKAMAH KONSTITUSI NOMOR 60/PUU-XXII/2024 TERHADAP KEKHUSUSAN PARTAI POLITIK LOKAL ACEH DALAM PILKADA 2024," *Jurnal Ius Civile* 8, no. 2 (2024): 91–105.

Decisions of the Constitutional Court (MK) have a very significant role in the Indonesian political system, given its strategic position in maintaining and upholding the state constitution, especially the 1945 Constitution of the Republic of Indonesia (UUD 1945). The Constitutional Court functions as a constitutional guardian institution that ensures that every policy, both from the government and the legislature, remains within the legal corridors determined by the constitution. In this context, the Court's decisions are often more than just legal decisions, but also decisions that can influence the political dynamics of the country, sometimes creating far-reaching impacts in various sectors of Indonesia's political, social and economic life.

The Constitutional Court was established with the aim of overseeing and ensuring that all state policies are in accordance with the basic principles enshrined in the 1945 Constitution. Its main duties include reviewing the constitutionality of laws, resolving election disputes, deciding on impeachment petitions for the President and Vice President, and adjudicating conflicts between state institutions. Beyond its legal functions, the Court plays a critical role in shaping the broader political landscape in Indonesia, reinforcing the supremacy of the constitution.

In Indonesia's democratic political system, the Constitutional Court acts as a stabilizing force among the executive, legislative, and judicial branches. Its decisions help preserve the system of checks and balances, preventing any one institution from overpowering the others. By functioning as a regulator and barrier, the Court ensures that political processes remain within the bounds of constitutional norms, thereby upholding the integrity of democratic governance. Despite its vital role, the Constitutional Court often faces challenges in maintaining independence. Political pressures from parties, government institutions, or interest groups can cast doubt on the impartiality of its decisions. Public scrutiny has emerged in instances where decisions are perceived to be politically influenced. To uphold its credibility, the Court must remain steadfast in basing its rulings solely on legal and constitutional grounds. Its continued integrity is essential not only for maintaining democratic balance but also for ensuring that the Court remains a trusted guardian of Indonesia's constitutional order.

Since the time of Prophet Muhammad (peace be upon him), political leadership in Islam has integrated both religious and governmental authority. In Medina, the Prophet administered public affairs—such as taxation, conflict resolution, and social welfare—based on the principles of justice and public benefit prescribed by Shariah. In this framework, political interests were not personal or partisan but aimed at achieving collective welfare (*al-maslahah al-'ammah*) and justice for the entire community. This model continued during the period of the Rightly Guided Caliphs, particularly under Caliph Umar ibn al-Khattab, who implemented policies based on public interest even in the absence of direct scriptural commands. Classical scholars such as al-Mawardi and Ibn Taymiyyah later developed political theories asserting that the legitimacy of governance in Islam depends on upholding justice and safeguarding the core objectives of Shariah (*maqasid al-shariah*), such as the protection of religion, life, intellect, lineage, and property. Political interest that strays from these objectives is seen as a betrayal of Islamic leadership ethics.

In modern contexts like Indonesia, these principles remain relevant in evaluating political decisions, including those made by the Constitutional Court. Although Indonesia is not an Islamic state, its Muslim-majority population often refers to Islamic values such as accountability, justice, and public welfare when judging political conduct. Therefore, decisions shaped by political interest—such as those involving constitutional

interpretation—should not only meet formal legal standards but also reflect the ethical imperatives found in Islamic political thought.

In general, Islamic politics (siyasah) is interpreted that all thoughts about politics related to the regulation and maintenance of the people. In connection with this understanding, Abdul Qodim Zallum in Afkaru Siyasiyyah says that the highest level of Islamic political thought is thought that deals with the affairs of mankind in the world from a certain angle. Here, the main foundation of Islamic political thought is the Islamic creed, including an ideology, system, and including the state.[6] Qamaruddin Khan's thought, which says that none of the verses of the Qur'an states about political theory, is understandable. Because there is no dilalat al-nash that states explicitly about political theory, systems and forms of state that Muslims must follow. But in it there are basic principles of teaching about living in society and the state. These basic principles can be developed into the principles of Islamic political theory. For example, law enforcement, justice, deliberation, unity, and so on. These principles are in line with the Qur'an making humans as caliphs who aim to prosper the earth and implement the law fairly. In order for this goal to be realized, it is necessary to organize human life in society and the state.[7]

Sharia, which is Islamic law, views politics as a way to achieve the welfare of society and bring benefit (goodness) to the people. Therefore, in the perspective of sharia, political interests cannot be separated from the values of ethics and justice contained in the Qur'an and Hadith. Politics that only focuses on achieving personal or group interests without regard to the public interest and sharia values, can be a deviation from the greater goal of achieving social welfare and justice. Islam teaches that the main purpose of any form of politics is to realize the common good (al-maslahah al-'ammah). In this case, Islam does not justify the utilization of political power only for the benefit of certain individuals or groups. One of the important concepts in sharia is the principle of justice (al-'adl). In the Qur'an, Allah says: "Verily, Allah enjoins you to be just" (QS. An-Nisa: 58). This verse emphasizes that every political action taken by leaders or decision makers must be based on the principle of justice that is fair to all parties, regardless of status, class, or certain interests.

In addition, sharia also emphasizes the principle of deliberation (shura), which can be used as a basis for political decision-making. The Qur'an mentions in surah Ash-Shura verse 38: "And their affairs (are) decided by deliberation among them." Deliberation in Islam is not just limited to consultation, but rather a way to reach decisions that benefit the ummah as a whole. The politics of interest carried out by means of deliberation will avoid decision-making that is solely for the benefit of certain individuals or groups, and is more directed towards the common welfare.

Political interests in a sharia perspective must also be based on the principle of trust, which is one of the most important morals in Islam. Rasulullah SAW said: "Every one of you is a leader, and every leader will be held accountable for his leadership" (HR. Bukhari and Muslim). In the context of politics, a leader or decision maker must carry the mandate with full responsibility and must not abuse his power for personal or group interests. A leader in sharia is expected to be able to balance the interests of various parties and not pursue profits that only benefit some people.

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[6] MA Iskandar Zulkarnaen, Ph. D Dr. Tgk. Muntasir Abdul Kadir, MA Bimby Hidayat, S. Sos., MA Tgk. Ahyar M. Gade, S. Sos. I., *Buku Politik Praktik Siyasah Syariah Aceh*, *Repository.Umj.Ac.Id* (Bandar Publishing, 2021).

[7] Usman Jafar, "Hukum Tata Negara Islam: Refreksi Pemikiran Atas Sejarah Ajaran Dan Ketatanegaraan Islam" (Gunadarma Ilmu, 2021).

In interest politics, there is often a conflict between personal or group interests and the public interest. This conflict is a challenge in carrying out politics in accordance with sharia. In this case, sharia provides guidelines so that personal or group interests do not defeat the interests of the people. Islam teaches that every individual or group involved in politics has a commitment to justice and the common good. For example, in certain situations where a policy taken may benefit a group of people but harm another group, a leader must prioritize the public good. In this context, the principle of al-maslahah al-'ammah will be the basis for deciding the right policy, namely the policy that provides the greatest benefit to the ummah as a whole, not just to a certain group of people. In addition, in dealing with conflicts of interest, sharia also teaches the importance of maintaining harmonious relationships between groups. Islam encourages its adherents to establish friendship, cooperate in goodness, and advise each other in righteousness. These principles are expected to reduce the potential for conflict that can damage political and social harmony in society.

In the perspective of sharia, law enforcement has a very important role to play in ensuring that interest politics is not abused. Islamic law, which covers various aspects of life, including politics, must be enforced fairly without discrimination. The applicable law must ensure the protection of individual and group rights, and prevent any imbalance of power that could harm society.

Law enforcement in politics must also be carried out with the principles of transparency and accountability. Every political decision taken must be accountable to the public, and there must be no abuse of power. If there are leaders or decision-makers who abuse their power for personal or group interests, then the law must be applied to uphold justice. Political interests in the perspective of sharia emphasize the principles of justice, deliberation, trust, and public benefit. Every political policy taken must take into account the interests of the entire community, not just a handful of people or groups. Sharia teaches that politics must be carried out to realize common welfare, while maintaining moral and ethical principles. Therefore, in implementing interest politics, a leader must always prioritize the interests of the people and be responsible for the decisions taken, so that political goals can be achieved fairly and in accordance with Islamic values.

CLS (Critical Legal Studies) considers that the law is interfered with by other interests outside the law. Thus, the law is never neutral. The legal doctrine that is formed has power, it can be concluded that the law is flawed from birth. Because politics is more subjective, in favor of the interests of certain groups.[8] The Constitutional Court is often seen as a political instrument utilized by the House of Representatives (DPR) and the President to make changes to laws quickly and effectively. This process seems to ignore the public participation in decision-making that should be an integral part of democracy.[9] In the case filed by Almas Tsaqibbirru which resulted in Constitutional Court Decision

[8] Elsa Sintya Marvinda and Diana Nasiatul Munawaoroh, "TINJAUAN TEORI CRITICAL LEGAL STUDIES DALAM PANDANGAN MAHASISWA FAKULTAS SYARIAH IAIN PONOROGO TERKAIT PENCEGAHAN MONEY POLITIC PEMILU 2024 Dewi Iriani * Email : Dewiiriani@iainponorogo.Ac.Id Email : Sintyaelssa@gmail.Com Email : Diananasiatul@gmail.Com M," *El-Dusturie: Jurnal Hukum Dan Perundang-Undangan* 3, no. 1 (2024): 15–28.

[9] Christine S T Kansil and Putri Meilika Nadilatasya, "Dampak Putusan Mahkamah Konstitusi Terhadap Dinamika Politik Dan Kepercayaan Publik Di Indonesia: Analisis Implikasi Hukum Dan Etika," *Unes Law Review* 6, no. 4 (2024): 10753–60, https://review-unes.com/https://creativecommons.org/licenses/by/4.0/.

Number 90/PUU-XXI/2023. It appears that the Constitutional Court has been inconsistent in the application process for the minimum age requirement for presidential and vice-presidential candidates. The Constitutional Court's decision must be consistent and transparent, and free from allegations of personal or political interests. The Court's decision must be based on the law, the constitution, and values.[10]

The Constitutional Court's decision has a significant impact on political interests in Indonesia. For example, the decision clearly favors one of the vice presidential candidate pairs that does have a candidate under the age of 40. For example, if the presidential and vice-presidential candidate pairs benefited from having a young vice-presidential candidate, the decision provides an opportunity for them to choose a younger and energized figure, who can attract young voters and provide a fresh image for the political coalition.

However, in the context of Indonesian politics, which is heavily influenced by the power of elites and oligarchs, the Constitutional Court's decision can also be seen as a move that facilitates or exacerbates dependence on certain figures with political experience. Politicians who have been around for a long time and have strong political networks can use this decision to attract young vice presidential candidates who have potential, but are also easy to control by certain political forces. This has the potential to create a new form of interest politics that is more favorable to elite groups that already have power.

The ruling also increased tensions in political competition, particularly among political parties competing to nominate their vice presidents. The lowering of the minimum age limit opens up opportunities for more individuals to compete in the 2024 election, but it also exacerbates the dynamics of the battle for the vice presidential candidate position. Competition between political groups for potential young vice presidential candidates could lead to internal conflicts within parties, where individual and group interests are prioritized over collective interests.

On the other hand, this decision also shows how strong the influence of elite politics is in determining the direction of legal policy, including decisions that are supposed to be neutral and objective. Political elites who have an interest in introducing young candidates to the political stage may try to use the Constitutional Court's decision to gain a strategic advantage in the elections, although it cannot be denied that the presence of young candidates can also have a positive impact in modernizing Indonesian politics.

Constitutional Court Decision No. 90/PUU-XXI/2023 is not free from criticism that the decision may not be fully objective and is more inclined to the interests of certain groups. Some consider that the Constitutional Court's decision is driven more by political considerations than legal and constitutional considerations. In this case, some consider that the Constitutional Court should focus more on the aspect of justice for all people and not just accommodate the short-term political interests of the ruling group.

Furthermore, there are concerns that the Constitutional Court's decision could lead to a further erosion of the public's hope of having a vice president who truly represents the interests of the people, rather than the result of a political battle between elite groups. This is because basically, those who will run in the elections are those who have political access and resources, most of whom come from the elite.

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[10] Sarah Shafira Kurniawan Alya Ghina Viedini, Cikita Alodia Rahmasari, "ANTARA KEADILAN DAN ETIKA POLITIK: MAHKAMAH KONSTITUSI DAN BATAS USIA CALON PRESIDEN DALAM PERSPEKTIF AKSIOLOG," *Action Research Literate* 8, no. 1 (2024): 71–76.

Constitutional Court Decision No. 90/PUU-XXI/2023 on the minimum age limit for vice-presidential candidates has a huge impact on the dynamics of political interests in Indonesia. This decision provides an advantage for candidate pairs who have young and potential vice presidents, but on the other hand it also raises the potential for political interests that can lead to the domination of established political elites.

In this context, the Constitutional Court must be more careful not to get caught up in the vortex of political interests that could harm its credibility as an institution that should protect the constitution and uphold the principles of justice. Nevertheless, the Constitutional Court's decision also reflects a change in Indonesian politics that is increasingly open to the regeneration of young leadership, which can bring fresh air to Indonesian democracy, provided that it is accompanied by transparency and strong integrity in the political process.

The basic principles of siyasah (politics) in Islam include: deliberation system (as-Syurah), al-Adl (Justice), al-Hurriyah (freedom/responsible freedom), al-Musaawah (Equality). Islamic siyasah is a complete reflection of the character of Islam such as syumuliyah (universal), rabbaniyah (divine), tsabak (fixed), tawazun (balanced), and waqi'iyah (realistic).[11] According to Abdul Wahab Khallaf, the object of study of fiqh siyasah is the regulation and legislation needed to manage the state in accordance with the principles of religious teachings with the aim of realizing human welfare and meeting their needs. Islamic political law has the following characteristics: (1). Oriented to the benefit of individuals and people (2). Based on religious ideology (3). Has an aspect of responsibility for the hereafter (4). The existence of art and creation of the ruler in governmental arrangements and legislation even though it is not explicitly regulated in the Qur'an and Hadith The desired siyasah is derived from religious law and not politics based on interests, injustice or fraud.[12]

The decision of the Constitutional Court (MK) has a significant influence on the course of politics in Indonesia, especially when it comes to the principles of shariah in politics. As a state institution that has the authority to test the constitutionality of laws and regulations, the Constitutional Court has an important role in ensuring that political policies taken by the state remain within the corridors of the constitution that have been agreed upon. However, Indonesia as a country with a majority Muslim population is also faced with the fact that the principles of sharia are often highlighted in various political policies.

In general, shariah refers to Islamic law that regulates various aspects of life, including politics. In Indonesia, there is a dynamic effort to incorporate shariah values into the national legal system. This issue is made more complex by the different interpretations of how Islamic law should be applied in a country that adheres to democracy and constitutionalism. In this context, the Constitutional Court's decision often becomes the meeting point between state constitutionalism and sharia principles in politics.

The Indonesian Constitutional Court acts as the guardian of the constitution, ensuring that political policies taken by the state do not conflict with the 1945 Constitution. One of the tasks of the Constitutional Court is to test whether a piece of legislation contradicts the constitution. In addition, the Court also has the authority to

[11] Arif Sugitanata, "Dinamika Keputusan Mahkamah Konstitusi Terkait Batas Usia Calon Presiden Dan Wakil Presiden."

[12] Dr. Achmad Rodli Makmun, *POLITIK HUKUM ISLAM DI INDONESIA*, *Publica Indonesia Utama*, vol. 7, 2022.

resolve disputes over election results, which in turn greatly affects the course of politics in Indonesia.

On the other hand, Indonesia as a Muslim-majority country cannot be separated from the question of how the principles of sharia are applied in this democratic country. The principles of sharia cover various aspects of life, ranging from social, economic and political rules. Even so, Indonesia does not adopt shariah as the basis of state law, but Islamic values are often taken into consideration in making public policies, especially in the political context.

The Constitutional Court's decisions related to sharia principles in politics are often contentious. One notable example is the Court's rulings on election-related laws, regional regulations, or public policy issues that contain elements of sharia. For example, there have been many requests from some quarters to include Islamic law in the state's positive legal system, such as the application of Islamic criminal law (hudud law), the prohibition of usury in the economic system, or even in the regulation of religious life.

However, in every decision, the Constitutional Court must be guided by the state constitution, namely the 1945 Constitution, which in its preamble and several articles emphasizes the state principle of Pancasila as the basis of the state. Pancasila, as the state ideology, accommodates the diversity of cultures, religions and beliefs that exist in Indonesia. In this regard, the principles of sharia that exist within the Indonesian Muslim community can be considered, but must not contradict the basic values of Pancasila and the 1945 Constitution.

The link between the Constitutional Court's (MK) decision and the principle of shariah in politics demonstrates the complexity and dynamics of the relationship between state law and religious values. The Constitutional Court, as an institution that safeguards constitutionality, plays an important role in balancing various interests in Indonesia's pluralistic society. Despite demands to further accommodate sharia in the legal system and political policies, the Constitutional Court's decisions remain guided by the 1945 Constitution and Pancasila as the foundation of the state, which ensure that political policies do not only reflect the interests of one group, but also guarantee the basic rights of every citizen. Therefore, although the principle of sharia can be accommodated in political policy, its application must remain within the framework of the existing constitution, while maintaining Indonesia's diversity and plurality.

Abdul Hakim and Moh. Mahfud MD, argue that legal politics can be interpreted as Legal Policy. Abdul Hakim directs legal politics to emphasize legal development, namely the need to include the role of social groups in society in terms of how the law is formed, applied and institutionalized in a political process in accordance with the initial ideals of a country. Meanwhile, Moh. Mahfud MD, a constitutional expert, considers legal politics to be included in the discipline of law. Political law is a policy that will or has been implemented by the government.[13]

In general, the Constitutional Court functions to maintain the constitution so that it remains in accordance with the spirit contained in the 1945 Constitution. The Constitutional Court is authorized to review laws against the constitution, resolve disputes over election results, and decide cases relating to the authority of other state institutions. In this case, the public interest is often used as a basis for considering decisions taken. The public interest here is an interest that relates to social stability, the progress of the country, and the general welfare of society. However, the Constitutional Court must also

[13] Ahmad Hamidi et al., *Politik Hukum Islam Di Indonesia* (ANDHRA GRAFIKA, 2022).

ensure that its decisions do not ignore the rights of individuals protected by the constitution. One of the main principles in constitutional law is the protection of human rights, which is often used as an argument by parties who feel their personal rights are violated in a public policy. Therefore, the Constitutional Court must assess each case carefully, considering how the decision will affect both individual and public interests.

In the perspective of sharia, the balance between individual interests and public interests is not only viewed in terms of positive law, but also in terms of morals and ethics contained in Islamic teachings. Sharia teaches the importance of maintaining a balance between individual rights and obligations to society. This is reflected in various concepts in Islamic law, such as maqasid sharia (the purpose of sharia), which emphasizes the need to protect five basic human rights: religion, soul, mind, offspring and property. In this context, sharia teaches that individual rights must be protected, but must not infringe on the interests of the ummah as a whole. For example, in terms of personal rights related to freedom of speech or religion, sharia recognizes the right of individuals to express themselves, but must not do so in a way that harms or endangers society. In this regard, sharia teaches that there are limitations on individual rights in the public interest. For example, in sharia, a person's right to freedom of religion is guaranteed, but sharia also prohibits actions that can damage the peace of the community such as spreading heretical teachings or damaging the faith of others. Thus, the decision made by the Constitutional Court should take into account these principles of justice, i.e. individual rights should be accommodated to the extent that they do not conflict with the public interest or cause greater harm to society.

The Constitutional Court, in practice, is often faced with a dilemma between protecting individual rights and considering the interests of the wider community. For example, in the case of a judicial review of a law that is deemed contrary to the basic rights of individuals, the Constitutional Court must consider whether the law can protect society as a whole or oppress individual rights. When referring to the sharia perspective, the Court must assess the extent to which a policy or law is in accordance with the principles of justice and the benefit of the people. For example, a law that restricts freedom of religion or expression may be considered a violation of individual rights, but if such freedom is used to undermine the harmony and peace of society, then the policy may be considered valid within the framework of sharia. In this case, the Constitutional Court plays an important role in balancing the rights of individuals protected by the constitution with efforts to maintain the public good.

In dealing with cases involving individual and public interests, the Constitutional Court can use the maqasid syariah principle as a guide. Maqasid syariah consists of five main aspects, namely the protection of religion, soul, mind, offspring and property. Every policy or decision made by the Constitutional Court must assess the extent to which it protects and fulfills these five basic objectives. For example, in matters of freedom of speech or religion, the Court must consider how such freedom can be exercised without threatening public order or tarnishing the faith of the people. In this case, maqasid syariah teaches that every policy must be taken with the aim of achieving the overall benefit of the people.

The role of the Constitutional Court in maintaining the balance between public interests and individual interests is vital, especially in a legal framework that accommodates the plurality of Indonesian society. From a sharia perspective, this balance can be maintained by referring to the principles of justice and public good, which are reflected in maqasid sharia. The Constitutional Court, as the guardian of the constitution,

must be able to assess each policy objectively, taking into account both individual interests and the interests of the wider community, so as to create decisions that are fair and beneficial to all Indonesian people.

Recommendations for Harmonizing the Constitutional Court Decision with Sharia Principles

Islamic law applied in Indonesia is often adjusted to be in line with the values of Pancasila and the spirit of diversity.[14] Mahfud MD expressed his opinion that there are three types of answers in terms of the relationship between law and politics. First, the law shapes politics so that political activities must be subject to and obey the law, Second, the view that politics determines the law because the law is a political product that is loaded with political interests and configurations, and third, the view that law and politics are two elements of a balanced social subsystem, because although the law is a political product, when there are laws governing political activities, politics must also be subject to the law.[15]

The Constitutional Court (MK) of the Republic of Indonesia has a vital role in ensuring that every state policy and law enacted remains within the corridors of the constitution, in accordance with the 1945 Constitution. The Court is tasked with testing the constitutionality of existing laws and regulations, resolving disputes over election results, and deciding cases regarding the authority of other state institutions. However, in the context of Indonesia, which has a Muslim-majority population, many of the Constitutional Court's decisions touch on issues related to sharia principles. Therefore, it is important to discuss how harmonization between Constitutional Court decisions and sharia principles can be done, so that the resulting decisions not only reflect constitutional justice, but are also in line with the moral and ethical values contained in Islamic sharia.

Indonesia is the country with the largest Muslim population in the world. Therefore, the principles of sharia are an integral part of the social, cultural and legal life of the Indonesian people. Although Indonesia adheres to a secular legal system, sharia values still influence many aspects of life, especially in terms of morality, ethics, and legal provisions in Islam. Harmonization between the Constitutional Court's decisions and sharia principles is crucial to ensure that the laws applied not only meet constitutional requirements, but also reflect justice from an Islamic perspective. In many cases, policies taken by the state can affect the Muslim community, whether in terms of worship, economy, family, and social interaction. Therefore, it is important for the Constitutional Court to consider the views of shariah in each of its decisions, so that the results of the Constitutional Court's decisions can be well received by the Muslim community, as well as ensuring that state policies do not conflict with the religious teachings of the majority of Indonesia's population.

Some of the challenges in harmonizing the Court's decisions with sharia principles include:

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[14] Rama Ahmad, Raja Maranay, and Irsyaf Marsal, "Pengaruh Sistem Hukum Dunia Terhadap Pembentukan Peraturan Perundang-Undangan Di Indonesia," *Birokrasi : Jurnal Ilmu Hukum Dan Tata Negara* 2, no. 4 (2024): 245–51.

[15] Dominikus Rato. Yanuriansyah Ar Rasyid Iryana Anwar, "REFLEKSI FILOSOFIS PANCASILA SEBAGAI SUMBER HUKUM DAN DINAMIKA POLITIK DALAM PEMBENTUKAN HUKUM NASIONAL," *Diversi Jurnal Hukum* 10, no. 1 (2024): 230–57, https://ejournal.uniska-kediri.ac.id/index.php/Diversi/article/download/433/473.

1. Different Interpretations of Law: Indonesia uses a mixed legal system of positive law and customary law, while sharia is a more religious and normative set of rules. Often, differences in interpretation between positive law and sharia can lead to tensions in decisions made by the Constitutional Court. For example, in matters of freedom of religion or marriage, where the Court's decision may favor individual rights over adherence to religious teachings.
2. Different Views in Islam: Within Islam there are different schools of thought that interpret the principles of sharia. This can make harmonization more complex as the Court must take into account the diversity of views so as not to offend certain groups.
3. Secular Constitution: The Constitution of the Republic of Indonesia (UUD 1945) does not explicitly mention the application of sharia in state law, although in practice, sharia values are often integrated in public policy. Therefore, the Constitutional Court must find a way for sharia principles to be applied in a constitutional space that is both inclusive and secular.

Some recommendations that can be taken to harmonize the Constitutional Court's decision with sharia principles include:

1. Integrating Maqasid Sharia in Constitutional Interpretation
   Maqasid sharia, which are the lofty goals of Islamic law, include the protection of five main things: religion (din), soul (nafs), intellect (aql), offspring (nasl), and property (mal). The integration of maqasid sharia in constitutional interpretation can be an important basis for the Constitutional Court to assess justice in every decision taken. The Constitutional Court can use the maqasid sharia principle to assess whether the policy or law under review aims to safeguard the interests of the people, both in terms of moral, social and economic aspects. For example, policies that aim to improve people's economic welfare or protect family rights are in line with maqasid sharia, which prioritizes the interests of the people. Therefore, the maqasid sharia approach will help the Constitutional Court to make decisions that are fair and in line with the needs of the Indonesian Muslim community.
2. Prioritizing the Principles of Justice and Welfare
   The principle of justice in Sharia does not only mean giving individual rights, but also paying attention to the welfare (common good) of the people. In making decisions, the Constitutional Court must assess the extent to which a policy or law can provide benefits to the community, not just to certain individuals or groups. For example, in the issue of protecting minority rights or freedom of religion, the Constitutional Court must ensure that the policies implemented not only protect individual rights, but also maintain social stability and harmony between religious communities. Policies that grant freedom without restriction may cause greater damage to society. In the perspective of sharia, freedom must be limited to a space that does not damage the common good.
3. Involving Ulama and Religious Leaders in Legal Discussions
   In harmonizing the Constitutional Court's decisions with sharia principles, it is important to involve scholars and religious leaders in the legal deliberation process. Scholars have a deep understanding of sharia principles and can provide useful perspectives in deciding matters related to religion. Although the Constitutional Court is an independent institution that must maintain independence from external influences, collaboration with religious experts can

provide greater insight into the proper interpretation of sharia in the Indonesian context. In some cases, such as those related to family law or issues that touch on religious teachings, the views of religious scholars can help the Court to make more informed decisions.

4. Drafting Laws that are Sensitive to Sharia Values
   It is important to draft and formulate laws that not only comply with the constitution, but are also sensitive to religious values, especially in the context of a Muslim society. In this regard, the Constitutional Court can encourage the legislature to pay more attention to sharia aspects in the formulation of laws, especially in areas that are directly related to the lives of Muslims, such as family law, zakat, taxes, sharia banking, and others. Policies that are more sensitive to sharia principles can minimize friction between state and religious law, so that the Court's decisions will be more easily accepted by the Muslim community, which in turn increases public trust in this institution.

Harmonization between the Constitutional Court's decisions and sharia principles is important to maintain harmony between state law and the moral and ethical values contained in Islamic teachings. While this is a major challenge, through an approach based on maqasid sharia, principles of justice, and public interest, and involving scholars and religious leaders in decision-making, this harmonization can be achieved. In this way, the Court can ensure that its decisions are not only constitutionally fair but also socially and religiously beneficial for all Muslims in Indonesia.

Conclusion

The decisions of the Constitutional Court have a major impact on political interests in Indonesia, especially when they influence the direction of legal and political policies. While the Court is tasked with upholding the constitution and protecting citizens' rights, its decisions often intersect with political interests that benefit certain groups. From the perspective of Shariah, such influence must be measured against key principles like justice, public benefit (*maslahah*), and fairness. When a decision benefits elites but harms the broader community, it may conflict with the ethical foundations of Islamic political thought.

To harmonize the Constitutional Court's decisions with Shariah principles, it is essential that each ruling upholds both legal and moral responsibility. Shariah emphasizes that political authority is a trust (*amanah*) that must be exercised with justice and impartiality. Therefore, the Court should consider not only the legal validity of its decisions but also their social impact, particularly in protecting the public interest. By embedding ethical and Shariah values such as justice, accountability, and public welfare into its reasoning, the Court can strengthen both constitutional integrity and public trust.

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