



Education on Supreme Court Justice Selection from the Perspective of Siyasah Qadhā'iyyah in Legal Learning for University Students

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Abstract:

Legal education requires learning materials that connect normative legal knowledge with contemporary institutional issues. This study examines the educational use of Supreme Court Justice selection from the perspective of siyasah qadhā'iyyah and its relevance to legal learning for university students. The study employed a qualitative descriptive approach using a literature-based method. Data were obtained from scholarly articles, books, constitutional provisions, legislation, and academic publications concerning Supreme Court Justice selection, judicial independence, siyasah qadhā'iyyah, legal literacy, and legal education. The data were analyzed through qualitative content analysis by identifying, classifying, interpreting, and synthesizing relevant concepts and findings. The analysis demonstrates that Supreme Court Justice selection can be transformed from a purely constitutional topic into a contextual legal-learning material through case analysis, examination of institutional authority, source verification, academic discussion, and reflective argumentation. The study further identifies an integrative connection between the constitutional framework of judicial selection and the principles of siyasah qadhā'iyyah, particularly justice, amanah, impartiality, judicial independence, accountability, and public benefit. This integration constitutes the study's contribution by proposing a contextual learning framework that connects contemporary judicial institutions, Islamic judicial thought, and the development of students' legal literacy and critical reasoning. For university students, particularly those in the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu, the literature-based findings can be translated into learning activities that require students to analyze legal sources, compare institutional roles, evaluate competing legal arguments, and reflect on the ethical dimensions of judicial authority. The study concludes that Supreme Court Justice selection can function as an integrative legal-learning topic that strengthens students' legal literacy, critical reasoning, ethical awareness, and understanding of judicial institutions.

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Introduction (مقدمة)

Legal education has an important role in developing students' ability to understand, interpret, and critically evaluate legal issues that emerge within society and state institutions. Higher education should not only transfer normative legal knowledge but also develop students' capacity to reason critically about the relationship between law, institutions, power, and justice. Legal literacy therefore becomes an important competence because students need to understand not only what legal rules regulate but also how those rules operate within institutional practices. Recent studies demonstrate that legal learning can strengthen students' legal knowledge, awareness, critical thinking, and understanding of legal rights and obligations (Syamsuddin, 2026). Legal education consequently needs to provide learning experiences that connect legal concepts with contemporary constitutional and institutional issues.

Legal education in higher education is expected to develop more than students' knowledge of legal rules. It should cultivate the ability to interpret norms, examine institutional relationships, evaluate evidence, and formulate reasoned legal arguments. Legal literacy therefore involves understanding how legal provisions operate within institutional and social contexts rather than merely memorizing statutory texts. Recent research indicates that legal learning can contribute to students' legal knowledge, awareness, and critical reasoning (Syamsuddin, 2026; Radini et al., 2026). This orientation makes contemporary constitutional and institutional issues valuable learning materials because they allow students to encounter law as a living system of authority, responsibility, and justice.

The selection of Supreme Court justices represents one such issue because it connects constitutional law, judicial authority, institutional responsibility, and judicial independence. Under Article 24B of the 1945 Constitution, the Judicial Commission (Komisi Yudisial/KY) is an independent institution authorized to propose the appointment of Supreme Court justices, while the statutory framework regulates its role in the selection process and submission of candidates to the House of Representatives (DPR). The Judicial Commission identifies the selection of Supreme Court justice candidates as being grounded in Article 24B of the Constitution and Law Number 18 of 2011. The involvement of different state institutions makes the selection process particularly relevant to legal learning because students can examine how constitutional authority is distributed and exercised. Rather than presenting judicial recruitment as a purely administrative procedure, the issue can be used to explore the relationship between institutional design and the independence of judicial power.

Judicial independence provides an important analytical dimension within this learning context. The quality of judicial institutions is closely connected to the integrity and competence of the individuals who exercise judicial authority, making the recruitment process relevant to broader questions concerning the judiciary. Taufik (2014), in examining the recruitment of Supreme Court justices, links judicial recruitment with the future independence of judicial power and discusses the constitutional implications of institutional participation in the process. Such questions are educationally valuable because they require students to distinguish constitutional authority from institutional practice and to examine legal arguments through primary sources. The issue consequently provides a concrete setting in which students can develop legal reasoning while studying the structure of judicial power.

The discussion becomes conceptually broader when Supreme Court Justice selection is examined through *siyasah qadhā'iyyah*. As a field of Islamic political jurisprudence concerning judicial authority, *siyasah qadhā'iyyah* provides principles through which questions of justice,

responsibility, integrity, and judicial independence can be examined. Contemporary research has applied this perspective to modern judicial and constitutional questions, including judicial independence and institutional conflicts, demonstrating its potential as an analytical framework for contemporary legal studies (Sulistio et al., 2026). The value of this perspective in legal education lies not in replacing positive law with Islamic jurisprudence, but in creating a comparative space in which students can examine the normative foundations of judicial authority. Concepts such as *al-'adl*, *amanah*, *istiqlāl al-qaḍā'*, impartiality, and *maslahah* can therefore enrich students' understanding of why integrity and independence matter in the exercise of judicial power.

Existing studies, however, tend to develop these areas separately. Research on Supreme Court justice recruitment has primarily addressed constitutional arrangements, judicial independence, and institutional authority, while studies employing *siyasah qadhā'iyyah* have more frequently examined judicial decisions, constitutional disputes, and contemporary exercises of judicial authority. Educational research, meanwhile, has focused on legal literacy, legal awareness, critical thinking, and case-based learning without specifically positioning Supreme Court Justice selection as a learning object through an Islamic judicial perspective. This separation leaves a conceptual space for integrating a contemporary constitutional issue with *siyasah qadhā'iyyah* within legal education. The present study addresses this gap by treating Supreme Court Justice selection not only as an object of legal analysis but also as a contextual learning material through which constitutional law and Islamic judicial thought can be studied together.

The novelty of this study lies in the integration of three dimensions that are generally discussed independently: Supreme Court Justice selection as a contemporary constitutional issue, *siyasah qadhā'iyyah* as an Islamic normative perspective, and legal learning as an educational process for developing students' analytical competencies. This integration produces a contextual learning framework in which students can examine the legal basis and institutional roles involved in judicial selection, compare them with principles of Islamic judicial governance, and develop arguments through evidence-based analysis. The approach also shifts the educational emphasis from simply knowing the mechanism of judicial selection toward understanding the values and institutional consequences underlying it. In this sense, the study contributes an interdisciplinary perspective to legal education by connecting constitutional knowledge, Islamic legal thought, judicial ethics, and critical reasoning within a single learning topic.

The educational relevance of this integration is particularly significant for postgraduate law students, who are expected to engage with legal issues through analytical, comparative, and reflective approaches. Supreme Court Justice selection can be presented through case analysis, examination of constitutional and statutory sources, institutional mapping, comparative discussion, and reflective argumentation. *Siyasah qadhā'iyyah* can subsequently be introduced to encourage students to examine justice, *amanah*, independence, impartiality, and public benefit as normative dimensions of judicial authority. Such learning activities allow students to distinguish legal facts from interpretation, evaluate competing arguments, and construct conclusions based on identifiable sources rather than relying on unsupported assumptions. The context of the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu provides a relevant academic setting for connecting contemporary Indonesian constitutional law with Islamic legal thought.

Based on this gap and the proposed integration, this study aims to examine Supreme Court Justice selection from the perspective of *siyasah qadhā'iyyah* as a contextual material for legal learning among university students. It specifically analyzes how the constitutional and institutional dimensions of judicial selection can be translated into learning materials, how principles of *siyasah qadhā'iyyah* can enrich students' interpretation of judicial authority, and how the integration can support legal literacy and critical reasoning. The study therefore

positions Supreme Court Justice selection not merely as a subject of constitutional analysis but as a pedagogical case through which students can critically examine law, institutional authority, judicial ethics, and justice. Through this approach, the study seeks to contribute to contextual and integrative legal education that connects contemporary constitutional issues with Islamic judicial thought.



Method (منهج)

This study employed a qualitative descriptive approach to examine education on Supreme Court Justice selection from the perspective of *siyasah qadhā'iyah* in legal learning for university students. The research was conducted in the context of the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu, with students as the primary educational context. The study used a literature-based approach supported by relevant legal documents and academic publications. Data sources included scholarly articles, books, constitutional provisions, legislation concerning the Supreme Court, Judicial Commission, and judicial power, as well as relevant studies on *siyasah qadhā'iyah*, judicial independence, legal literacy, and legal education. The literature was selected based on its relevance to the research topic, academic credibility, and availability through scholarly databases, including Google Scholar.

Data were analyzed using qualitative content analysis through several stages: identification and collection of relevant sources, classification of information, interpretation of substantive themes, and synthesis of findings. The analysis focused on four interconnected themes: the legal framework of Supreme Court Justice selection, the institutional roles of the Judicial Commission and the House of Representatives, the principles of *siyasah qadhā'iyah* concerning justice and judicial independence, and the educational relevance of these issues to university students. The analysis was then used to formulate an educational perspective that connects contemporary constitutional law with Islamic judicial thought. The validity of the analysis was strengthened through source triangulation by comparing legal documents, scholarly literature, and previous research to ensure consistency and conceptual relevance.



Result (نتائج)

Constitutional and Institutional Framework of Supreme Court Justice Selection

The analysis of constitutional and statutory sources identifies Supreme Court justice selection as a process embedded within Indonesia's broader framework of judicial power. Article 24 of the 1945 Constitution establishes judicial power as an independent power exercised to administer justice, while Article 24B regulates the constitutional position and authority of the Judicial Commission. The constitutional arrangement places the selection of Supreme Court justices within a system involving more than one state institution. Relevant statutory provisions further specify the institutional procedures governing the recruitment and appointment of Supreme Court justice candidates. The literature reviewed therefore presents judicial selection as an institutional process that operates within a defined constitutional framework rather than as an isolated administrative activity.

The analysis further identifies the Judicial Commission as a central institution in the initial stage of Supreme Court justice selection. Article 24B paragraph (1) of the 1945 Constitution provides the Judicial Commission with the authority to propose the appointment of Supreme Court justices and grants it other functions related to maintaining the honor, dignity, and conduct of judges. Law Number 18 of 2011 further regulates the authority and institutional position of the Judicial Commission in carrying out this constitutional mandate. The reviewed legal sources indicate that the Commission conducts the selection of candidates before submitting the names

of qualified candidates to the House of Representatives. This arrangement establishes the Judicial Commission as an important institutional actor in determining the pool of candidates who proceed to the subsequent stage of the selection process.

The literature and legal documents also identify the House of Representatives as another institution involved in the selection process. Following the submission of candidates by the Judicial Commission, the House of Representatives participates in the selection mechanism in accordance with the statutory framework governing Supreme Court justice appointments. The involvement of the legislature demonstrates that the selection process contains an institutional stage in which candidates are assessed through a representative state institution. The legal framework consequently distributes different functions among institutions rather than assigning the entire selection process to the Judicial Commission. The findings indicate that the institutional design of the process reflects a constitutional arrangement in which selection and appointment involve sequential roles performed by different state organs.

The analysis of the relevant provisions further reveals a distinction between the functions of proposing candidates, selecting candidates, and formally appointing Supreme Court justices. The Judicial Commission is associated with the candidate-selection process, the House of Representatives performs its role within the subsequent selection stage, and the President carries out the formal appointment in accordance with the constitutional framework. This distribution is relevant because the three functions operate at different stages of the institutional process. The distinction is consistently reflected in the legal framework governing the Supreme Court and Judicial Commission. Consequently, the selection of Supreme Court justices can be identified as a multistage institutional mechanism involving differentiated forms of authority.

Another finding concerns the relationship between the selection mechanism and judicial independence. The literature on Supreme Court justice recruitment identifies the quality of the recruitment process as an issue connected with the broader organization of judicial power. Taufik (2014) discusses the relationship between restrictions and strengthening of judicial power in the context of Supreme Court justice selection, particularly in relation to institutional participation in recruitment. The reviewed literature therefore places judicial recruitment within the broader institutional discussion concerning the independence of judicial authority. In the context of the present literature analysis, judicial independence emerges as an important dimension surrounding the institutional framework of Supreme Court justice selection.

The legal framework also establishes requirements concerning the qualifications and integrity of candidates for Supreme Court justice positions. The provisions governing the Supreme Court and Judicial Commission establish qualifications that candidates must satisfy before proceeding through the selection process. These requirements demonstrate that the selection mechanism is not limited to identifying candidates through institutional procedures but also contains normative criteria concerning eligibility and professional suitability. The literature reviewed identifies integrity, competence, and professional qualifications as important dimensions in discussions concerning judicial recruitment. These findings provide a basis for identifying the substantive characteristics expected from individuals who will exercise judicial authority at the Supreme Court level.

Taken together, the literature and legal-document analysis identifies four principal characteristics of the Supreme Court justice selection framework: constitutional grounding, differentiated institutional authority, qualification requirements, and its connection with judicial independence. The process begins within a constitutional framework that assigns a specific role to the Judicial Commission and continues through the involvement of the House of Representatives and the formal appointment mechanism. The findings also demonstrate that the selection process contains both procedural and substantive dimensions, involving institutional

stages as well as requirements concerning candidates. These characteristics provide the empirical-conceptual basis for the subsequent analysis of Supreme Court justice selection through the principles of *siyasah qadhā'iyah*. At the same time, the findings establish the institutional and legal context necessary for examining the educational potential of this issue in university-level legal learning.

Principles of *Siyasah Qadhā'iyah* in Judicial Authority

The analysis of literature on *siyasah qadhā'iyah* identifies judicial authority as a field of governance that is closely associated with the administration of justice and the protection of public interests. Within Islamic legal and political thought, judicial authority is not understood solely as a mechanism for resolving disputes but also as a responsibility involving ethical and normative considerations. The literature reviewed places the institution of the judiciary within a framework of justice, responsibility, integrity, and protection of rights. These dimensions provide the conceptual foundation for examining the qualities expected of individuals entrusted with judicial authority. The findings indicate that *siyasah qadhā'iyah* contains several principles that can be identified independently from the institutional arrangements of any particular contemporary state.

The first principle identified is *al-'adl*, or justice, which occupies a central position in discussions of judicial authority. The literature describes justice as a fundamental orientation that should guide the exercise of judicial functions and the resolution of disputes. Judicial authority is therefore associated with the obligation to place rights and responsibilities according to their proper position rather than being influenced by personal interests or external considerations. The principle of justice also appears in discussions concerning the qualifications and conduct of judges because individuals exercising judicial authority are expected to uphold fairness in their decisions. The analysis consequently identifies *al-'adl* as a foundational normative principle within the literature on *siyasah qadhā'iyah*.

A second principle emerging from the literature is *amanah*, which refers to the responsibility attached to the exercise of authority. Judicial power is treated as a trust that must be exercised responsibly because decisions made by judges may affect the rights, interests, and social position of other persons. The concept of *amanah* therefore encompasses personal integrity as well as responsibility in exercising institutional authority. Literature concerning Islamic governance and judicial authority places moral responsibility alongside formal authority as an important characteristic of judicial office. The findings indicate that *amanah* constitutes a normative dimension through which the integrity of persons entrusted with judicial responsibilities can be examined.

Judicial independence, commonly discussed through the concept of *istiqlāl al-qaḍā'*, also emerges as a significant principle in the literature reviewed. The concept emphasizes the need for judicial authority to be exercised without improper interference that could affect the impartial administration of justice. Contemporary studies employing the *siyasah qadhā'iyah* perspective have used this principle to examine questions concerning judicial authority, institutional relationships, and the independence of judicial actors (Sulistio et al., 2026). The literature therefore places independence not merely as an institutional characteristic but also as a condition supporting the fair exercise of judicial responsibility. This finding establishes judicial independence as one of the major normative concepts relevant to the analysis of judicial authority from the perspective of *siyasah qadhā'iyah*.

Impartiality constitutes another principle identified in the literature. The exercise of judicial authority requires the avoidance of favoritism, personal interests, and forms of bias that may interfere with the fair treatment of parties. Discussions of *siyasah qadhā'iyah* consequently connect judicial integrity with the obligation of decision-makers to maintain neutrality in

performing their functions. Impartiality is related to justice because fair adjudication requires the decision-making process to be oriented toward the merits of the matter rather than the identity or interests of the parties involved. The literature reviewed thus places impartiality among the ethical qualities associated with responsible judicial authority.

The analysis further identifies accountability and *maslahah* as complementary dimensions of judicial authority. Accountability concerns the responsibility associated with the exercise of judicial power, while *maslahah* refers to consideration of public benefit and the prevention of harm within the objectives of governance. Contemporary studies applying *siyasah qadhā'iyyah* to constitutional and judicial questions frequently examine whether the exercise of authority is consistent with justice, public interest, and responsible governance (Harahap & Ramadani, 2025; Deliady & Irwansyah, 2024). The literature therefore presents judicial authority as involving not only the resolution of individual disputes but also broader responsibilities toward social order and public welfare. These findings place accountability and *maslahah* alongside justice, *amanah*, independence, and impartiality as interconnected principles within the analytical framework.

Overall, the literature analysis identifies six principal dimensions of *siyasah qadhā'iyyah* relevant to judicial authority: *al-'adl*, *amanah*, *istiqlāl al-qaḍā'*, impartiality, accountability, and *maslahah*. These principles are derived from the normative and conceptual literature concerning Islamic judicial governance rather than from the institutional structure of the Indonesian constitutional system. The findings consequently position *siyasah qadhā'iyyah* as a normative perspective that can be used to examine questions concerning judicial authority, integrity, responsibility, and justice. The identified principles provide the conceptual basis for the next stage of analysis concerning their relevance to Supreme Court justice selection and legal learning. Their educational relevance can subsequently be examined without equating the Islamic jurisprudential framework with Indonesia's positive constitutional law.

Educational Relevance of Supreme Court Justice Selection

The analysis of educational literature identifies legal learning as a process that extends beyond the acquisition of knowledge concerning legal rules. University-level legal education involves the development of students' ability to identify legal issues, examine legal sources, interpret applicable norms, and construct arguments based on evidence. Widyawati et al. (2021) emphasize the importance of developing ways of thinking that enable law students to move beyond formal knowledge toward analytical engagement with legal problems. The literature therefore identifies analytical reasoning and the ability to work with legal sources as important components of legal learning. These findings provide a basis for considering contemporary institutional issues as potential materials for contextual legal education.

The reviewed literature further identifies case-based learning as an approach that can facilitate the development of students' critical thinking and analytical abilities. Case-based learning enables students to encounter legal problems through concrete situations and requires them to identify relevant facts, legal issues, applicable provisions, and possible arguments. Alfiandra et al. (2022) found that case-based learning-oriented materials can support the development of students' critical thinking skills, while Misnawati et al. (2023) identified legal case-based reading as a learning activity that can promote critical thinking among law students. The findings indicate that legal cases can function as learning objects through which students engage directly with legal reasoning. This approach provides a relevant educational framework for presenting institutional questions concerning Supreme Court justice selection.

The analysis also indicates that Supreme Court justice selection contains several elements that can be transformed into contextual learning materials. Constitutional provisions, statutory regulations, institutional authorities, candidate qualifications, and stages of the selection process constitute identifiable legal materials that can be examined by students. These materials enable

students to trace the relationship between constitutional norms and the functions performed by different state institutions. The literature concerning legal education indicates that engagement with concrete legal issues can support students in connecting normative provisions with their institutional application. Supreme Court justice selection therefore contains sufficient legal dimensions to be examined as a structured learning case.

Another finding concerns the importance of legal source analysis in developing students' legal literacy. The literature reviewed emphasizes that legal learning requires students to distinguish primary legal sources from secondary interpretations and to examine the relevance of sources before constructing legal arguments. In the context of Supreme Court justice selection, students can work with constitutional provisions, legislation, institutional documents, academic publications, and relevant judicial materials. This type of activity requires students to identify the legal basis of institutional authority and verify claims against identifiable sources. The findings consequently indicate that the topic can provide an opportunity to develop source-based legal reasoning rather than relying solely on textbook explanations.

The literature further identifies institutional analysis as an important component of legal learning when students encounter questions involving multiple state institutions. Supreme Court justice selection involves different institutional actors whose functions can be examined through constitutional and statutory sources. Mapping the respective roles of the Judicial Commission, the House of Representatives, the President, and the Supreme Court provides students with an opportunity to examine how authority is distributed within the judicial system. Such analysis also requires students to distinguish between institutional roles, legal mandates, and procedural stages. The findings indicate that institutional mapping can therefore be incorporated into learning activities related to Supreme Court justice selection.

The analysis additionally identifies the potential use of comparative and reflective activities in legal learning. After examining the positive-law framework, students can be introduced to normative concepts relating to judicial authority, including justice, amanah, independence, impartiality, accountability, and public benefit. These concepts can be used as analytical materials through which students examine different normative perspectives without assuming that they constitute the same legal system. Academic discussion and reflective writing can subsequently require students to explain the relationship and differences between constitutional provisions and Islamic judicial thought. The findings thus indicate that the topic has potential to accommodate legal analysis as well as normative and ethical reflection within a structured learning process.

Taken together, the educational literature identifies several learning activities that can be connected with Supreme Court justice selection, including case analysis, legal-source verification, institutional mapping, comparative discussion, and reflective argumentation. The topic provides legal materials that can be examined through constitutional, institutional, ethical, and normative dimensions. The findings also indicate that siyasah qadhā'iyyah can be introduced as an additional analytical perspective after students understand the applicable positive-law framework. This sequence allows the legal system governing Supreme Court justice selection to remain the primary object of legal study while Islamic judicial thought functions as a comparative normative perspective. The results establish Supreme Court justice selection as a contextual learning topic with potential to support the development of legal literacy, critical reasoning, and ethical awareness among university students.

Discussion (مناقشة)

Supreme Court Justice Selection as a Context for Legal Learning

The selection of Supreme Court justices represents an important subject in legal education

because it illustrates the relationship between constitutional norms, judicial institutions, and the exercise of state power. Legal education at the university level should not be limited to explaining statutory provisions but should also provide students with opportunities to understand how legal institutions operate within the constitutional system. The selection of Supreme Court justices is particularly relevant because the quality of the selection process is closely associated with the credibility of judicial institutions and the realization of judicial independence. Taufik (2014) explains that the recruitment of Supreme Court judges is closely related to the future independence of judicial power because judges constitute the actors who exercise judicial authority. Therefore, the selection process can be positioned as a contextual learning material through which students examine the relationship between legal rules and institutional practices.

Legal learning requires students to develop the ability to understand legal norms and apply them to concrete institutional problems. Contemporary legal issues can provide learning contexts that encourage students to move from normative understanding toward analytical reasoning. The selection of Supreme Court justices offers such a context because students can examine constitutional provisions, statutory regulations, institutional authorities, and the principles governing judicial power within one interconnected issue. Tjeppey (2021) demonstrates that learning related to law and citizenship can contribute to students' legal awareness, indicating the importance of educational processes in developing students' understanding of legal norms. Accordingly, discussion of judicial selection can become an educational instrument for developing legal awareness and students' ability to interpret institutional processes critically.

The constitutional framework provides the fundamental basis for understanding the selection of Supreme Court justices in Indonesia. Article 24 of the 1945 Constitution establishes judicial power as an independent power for the administration of justice, while Article 24B regulates the Judicial Commission as an independent institution with authority related to the proposal of Supreme Court justice candidates. The constitutional arrangement demonstrates that the recruitment of Supreme Court justices cannot be separated from the broader principle of judicial independence. Students therefore need to understand the relationship between constitutional provisions and the institutional mechanisms established through legislation. Such understanding enables students to distinguish between the normative authority of an institution and the practical implementation of that authority within the legal system.

The role of the Judicial Commission is particularly important in the selection process because the institution is constitutionally positioned within the mechanism for proposing Supreme Court justice candidates. Law Number 18 of 2011 concerning the Judicial Commission further regulates the Commission's authority in relation to the registration, selection, determination, and submission of candidates for Supreme Court justices to the House of Representatives. This institutional mechanism provides students with an opportunity to examine how constitutional authority is translated into operational procedures. From a legal-learning perspective, the process can be used to introduce students to institutional competence, procedural legality, and the principle of accountability. Understanding these dimensions is essential because legal institutions cannot be adequately studied only through abstract concepts without examining the procedures through which authority is exercised.

The involvement of the House of Representatives in the appointment process also creates an important subject for legal discussion. The institutional relationship between the Judicial Commission and the legislature raises questions concerning the distribution of authority in the recruitment of Supreme Court justices. Taufik (2014), in his analysis of the recruitment of Supreme Court judges, highlights the relationship between judicial recruitment, judicial power, and political interests. This relationship can be introduced in legal learning as a case for examining the principle of checks and balances within a constitutional democracy. Students can consequently learn to distinguish between institutional participation that is constitutionally

authorized and forms of intervention that may potentially conflict with the independence of judicial power.

Judicial independence constitutes another essential concept that should accompany students' understanding of Supreme Court justice selection. Independence does not mean that judicial institutions operate without accountability, but rather that the exercise of judicial functions must be protected from inappropriate external influence. Chandranegara (2019) explains that although the Indonesian constitutional framework guarantees judicial independence, the implementation of this principle remains connected to institutional and regulatory challenges. This discussion is pedagogically valuable because students can examine the relationship between independence, accountability, institutional design, and the rule of law. The selection of judges consequently becomes relevant as an entry point for discussing how institutional arrangements may support the integrity of judicial power.

The quality of legal learning can be strengthened when students are encouraged to analyze legal issues through multiple dimensions rather than relying exclusively on textual interpretation. Supreme Court justice selection contains normative, institutional, procedural, ethical, and constitutional dimensions that can be examined simultaneously. Students can be encouraged to identify the relevant legal provisions, map the authority of each institution, examine the stages of selection, and discuss the principles underlying judicial recruitment. This learning process can develop students' capacity to connect legal doctrine with institutional realities. Such an approach is consistent with the broader objective of legal education to develop students who are capable of applying legal knowledge to complex social and institutional problems.

The selection of Supreme Court justices can also be used to strengthen students' legal literacy. Legal literacy involves more than the ability to identify legal rules because students need to understand the meaning, application, and institutional implications of those rules. Tjeppey (2021) emphasizes the importance of education in developing students' legal awareness and their understanding of applicable legal norms. In the context of Supreme Court justice selection, legal literacy can involve students' understanding of constitutional provisions, institutional authority, judicial independence, selection procedures, and ethical standards. The learning process therefore provides an opportunity to transform a complex constitutional issue into an educational experience that develops both knowledge and critical legal awareness.

A contextual approach is particularly relevant for postgraduate law students because postgraduate education emphasizes analytical, comparative, and reflective abilities. Students should be encouraged not only to identify who has authority in the selection of Supreme Court justices but also to analyze why such authority is distributed among particular institutions and what legal principles should guide its exercise. The issue can be discussed through constitutional law, judicial ethics, legal politics, institutional accountability, and Islamic legal thought. Such interdisciplinary learning can help students understand that judicial selection is not an isolated administrative process but part of a broader constitutional architecture. It also creates a foundation for introducing *siyasah qadhā'iyyah* as an additional perspective for examining justice, judicial integrity, and the responsibilities associated with judicial authority.

For students in the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu, Supreme Court justice selection can therefore function as a contextual learning case that connects positive law with broader questions of justice and judicial responsibility. The topic allows students to study the constitutional roles of the Judicial Commission and the House of Representatives while simultaneously examining the principles that should guide the selection of judges. Through structured legal learning, students can develop the ability to analyze legal provisions, institutional relationships, and judicial independence based on evidence and relevant

legal principles. The topic also provides an appropriate foundation for the subsequent discussion of siyasah qadhā'iyah because Islamic judicial thought offers concepts concerning justice, integrity, accountability, and the proper exercise of judicial authority. Supreme Court justice selection thus has pedagogical value not only as a topic of constitutional law but also as a contextual instrument for strengthening students' legal literacy and critical reasoning.

Supreme Court Justice Selection from the Perspective of Siyasah Qadhā'iyah

Siyasah qadhā'iyah constitutes a branch of Islamic political jurisprudence concerned with the organization and exercise of judicial authority. The concept places judicial functions within a normative framework that emphasizes justice, integrity, responsibility, and the protection of public interests. Contemporary studies demonstrate that siyasah qadhā'iyah can be employed to examine modern judicial institutions and constitutional questions because its principles remain relevant to the exercise of judicial authority in changing institutional contexts. Sulistio et al. (2026), for example, identify justice, trustworthiness, judicial independence, and the prevention of conflicts of interest as important principles in analyzing contemporary judicial institutions. Therefore, siyasah qadhā'iyah provides a relevant conceptual framework for examining the values that should underlie the selection of individuals who will exercise judicial authority.

The principle of al-'adl or justice occupies a central position in siyasah qadhā'iyah. Justice requires the exercise of judicial authority to be directed toward the protection of rights and the avoidance of arbitrary treatment. In the context of Supreme Court justice selection, this principle can be understood as the requirement that the selection process be oriented toward identifying candidates who possess competence, integrity, impartiality, and commitment to justice. Harahap and Ramadani (2025) demonstrate that fiqh siyasah qadhā'iyah connects judicial decision-making with substantive justice and the protection of public interests. The same normative orientation can be applied to the recruitment stage because the quality of judicial institutions is influenced by the characteristics of the individuals entrusted with judicial authority.

A second important principle is amanah, which refers to the responsibility associated with the exercise of authority. In the Islamic normative tradition, public authority is not merely a privilege but a trust that must be exercised responsibly. The position of a Supreme Court justice involves substantial responsibility because decisions issued by the Court may affect individual rights, institutional relationships, and the interpretation of law. Sulistio et al. (2026) associate the siyasah qadhā'iyah perspective with the values of trustworthiness and integrity in maintaining the proper functioning of judicial authority. Accordingly, the selection of Supreme Court justices should be understood as a process of identifying individuals capable of carrying judicial authority as a public trust.

The principle of istiqlāl al-qaḍā', or judicial independence, is another important dimension of siyasah qadhā'iyah. Judicial independence requires judges to exercise their functions without inappropriate influence that could compromise impartial decision-making. Contemporary research using the siyasah qadhā'iyah framework explicitly identifies judicial independence as an important condition for preserving the integrity of judicial institutions. Alfarizi and Amin (2026) discuss istiqlāl al-qaḍā' as one of the principles relevant to evaluating contemporary constitutional adjudication. In relation to Supreme Court justice selection, the principle provides an analytical basis for examining whether institutional arrangements can support the independence of judges after appointment.

Impartiality is closely related to judicial independence because an independent judge must also be able to perform judicial functions without favoritism. Siyasah qadhā'iyah emphasizes that judicial authority should be directed toward resolving disputes according to justice rather

than personal, institutional, or political interests. Sulistio et al. (2026) identify impartiality and the prevention of conflicts of interest as important considerations in maintaining the integrity of judicial functions. This principle has educational relevance because students can examine the distinction between legitimate institutional participation in judicial recruitment and forms of influence that may potentially undermine impartiality. The distinction encourages students to evaluate institutional processes through principles rather than through personal or political preferences.

The principle of *maslahah* provides another important dimension for understanding judicial selection from an Islamic perspective. *Maslahah* refers to the consideration of public benefit and the prevention of harm in the exercise of public authority. Harahap and Ramadani (2025) demonstrate that *fiqh siyasah qadhā'iyah* places public interest alongside justice when evaluating the exercise of judicial authority. The selection of Supreme Court justices can consequently be understood as an institutional process whose ultimate purpose should be connected to the broader public interest in obtaining an independent, competent, and trustworthy judiciary. From this perspective, recruitment is not simply about filling an institutional position but about ensuring that judicial authority contributes to the protection of rights and social justice.

The relationship between *maslahah* and the prevention of harm can also be explained through the principle of *jalb al-maṣlaḥah wa dar' al-mafṣadah*. Alfarizi and Amin (2026) identify this principle as one of the analytical foundations of *siyasah qadhā'iyah* in examining contemporary constitutional questions. Applied to Supreme Court justice selection, the principle encourages consideration of both the benefits and potential risks associated with institutional arrangements. A selection mechanism should therefore be examined not only in terms of procedural legality but also in terms of whether it supports competent and independent judicial authority. This approach allows students to understand that Islamic legal analysis can involve both normative principles and consideration of institutional consequences.

Another relevant principle is accountability, which complements judicial independence. Independence does not imply that judicial authority is completely free from ethical or institutional responsibility. The exercise of authority must remain connected to standards of integrity, legality, and responsibility toward society. Contemporary research on *siyasah qadhā'iyah* emphasizes the importance of accountable judicial systems and the prevention of conflicts of interest in maintaining institutional integrity. Sulistio et al. (2026) show that judicial independence must operate alongside mechanisms that preserve professionalism and accountability. This balance provides an important analytical foundation for students to understand that an independent judiciary must also remain institutionally responsible.

The principles of justice, *amanah*, independence, impartiality, *maslahah*, and accountability can therefore be integrated into an analysis of Supreme Court justice selection. These principles do not replace the constitutional and statutory framework governing the selection process but provide an additional normative perspective for evaluating the values that should guide the exercise of judicial authority. Contemporary studies of *siyasah qadhā'iyah* show that the framework can be applied to modern constitutional institutions while maintaining its emphasis on justice and public welfare. For legal education, this integration is valuable because students can compare positive law with Islamic legal principles without conflating their respective sources and institutional structures. The approach also encourages students to develop analytical arguments based on clearly identified normative principles.

For students of the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu, the *siyasah qadhā'iyah* perspective can provide an integrative framework for studying Supreme Court justice selection. Students can examine the legal structure of judicial recruitment while

reflecting on the ethical requirements associated with judicial authority through the principles of al-'adl, amanah, istiqlāl al-qaḍā', impartiality, maslahah, and accountability. Such learning can demonstrate that questions surrounding judicial selection involve not only institutional procedures but also broader concerns about justice, integrity, and public responsibility. The use of siyasah qadhā'iyyah therefore enriches students' understanding of judicial institutions by connecting contemporary constitutional arrangements with Islamic legal thought. In this context, Supreme Court justice selection becomes a meaningful subject through which students can develop a more comprehensive understanding of the normative and ethical foundations of judicial authority.

Educational Implications for Strengthening Students' Legal Literacy and Critical Reasoning

Bringing Supreme Court Justice selection into the classroom changes the way students encounter constitutional law. Instead of receiving judicial institutions as fixed concepts in textbooks, students are confronted with a concrete question concerning how individuals are entrusted with judicial authority. The question immediately opens several lines of inquiry: what qualifications should matter, how should institutional authority be distributed, and what values should guide the process? These questions make the topic suitable for learning that emphasizes inquiry rather than simple transmission of information. Legal education consequently becomes a space in which students can connect legal doctrine with institutional realities and develop their own analytical questions.

A useful starting point is the movement from "knowing the rule" to "knowing how to reason with the rule." Students may understand that the Constitution and legislation regulate judicial institutions, yet such knowledge does not automatically mean that they can analyze a dispute concerning institutional authority. The selection of Supreme Court justices provides an opportunity to practice this transition because the issue requires students to identify applicable norms, determine institutional competence, and examine the consequences of different interpretations. Widyawati et al. (2021) emphasize the importance of analytical thinking in legal education, particularly because legal reasoning requires students to move beyond the reproduction of doctrinal knowledge. The topic can therefore be used to cultivate a habit of asking why a legal provision exists and how it should be interpreted within its institutional context.

The classroom experience can become more active when the lecturer begins with a documented case rather than a lengthy explanation of theory. Students can be given relevant constitutional provisions, statutory regulations, official documents, or a judicial decision and asked to identify the central legal problem themselves. They can then formulate questions, locate supporting sources, and construct preliminary arguments before the lecturer introduces broader theoretical perspectives. Such an arrangement encourages students to become investigators of legal problems instead of passive recipients of legal information. Research by Misnawati et al. (2023) indicates that case-based legal reading can contribute to the development of critical thinking and higher-order analytical abilities among law students.

There is also an important distinction between discussing a legal controversy and simply asking students which side they support. Academic legal learning should require students to demonstrate how their position is constructed from evidence and legal sources. A classroom discussion about Supreme Court Justice selection, for instance, can require students to distinguish constitutional provisions from political commentary and normative arguments from empirical claims. This exercise teaches students that disagreement is acceptable in legal scholarship when competing arguments are supported by identifiable reasons and evidence. The educational objective is therefore not to produce uniform opinions but to develop disciplined methods of reasoning.

The availability of legal information in digital environments makes this competence increasingly necessary. A student searching for information about judicial selection may encounter legislation, official institutional statements, academic articles, newspaper reports, opinion columns, and social media discussions within the same search results. These materials do not possess the same evidentiary or legal status. Learning activities based on Supreme Court Justice selection can train students to trace claims back to primary sources, compare interpretations, and determine whether a statement represents a legal fact, an interpretation, or an opinion. Legal literacy consequently involves a process of source evaluation as well as knowledge of legal rules.

The perspective of *siyasah qadhā'iyah* can be brought into the discussion at the point where students have already established the positive-law framework. This sequencing avoids turning Islamic legal concepts into abstract definitions detached from the institutional problem under discussion. Students can subsequently examine concepts such as *al-'adl*, *amanah*, *istiqlāl al-qaḍā'*, impartiality, and *maslahah* and consider their relevance to judicial authority. The comparison encourages students to recognize both similarities and distinctions between constitutional law and Islamic judicial thought. In this setting, *siyasah qadhā'iyah* functions as an interpretive and reflective lens rather than as a substitute for the Indonesian constitutional framework.

Different learning activities can be combined to deepen this process. A lecturer may begin with individual source analysis, continue with small-group discussion, and conclude with an academic presentation or structured debate. One group may examine institutional authority, another may focus on judicial ethics, while another may analyze the issue through *siyasah qadhā'iyah*. Each group would be required to cite primary sources and explain the reasoning behind its interpretation. This sequence encourages students to read, compare, formulate, defend, and reconsider arguments, thereby integrating several dimensions of legal learning within one topic.

The ethical dimension should not be overlooked. Selecting a Supreme Court justice involves entrusting an individual with authority that affects the administration of justice and the protection of legal rights. When students examine this process through the concept of *amanah*, they are encouraged to consider why competence alone may not be sufficient for judicial office. Questions of integrity, impartiality, responsibility, and commitment to justice become part of the learning process rather than remaining separate theoretical concepts. This creates an opportunity to connect professional legal education with the formation of ethical judgment, particularly within an academic environment that integrates Islamic legal perspectives.

At the postgraduate level, the topic can be developed beyond classroom discussion into independent academic inquiry. Students may be asked to compare different interpretations of judicial selection, examine changes in relevant legislation, analyze institutional documents, or develop a short research paper using doctrinal and normative approaches. Such assignments require students to identify a researchable problem, select appropriate sources, organize evidence, and formulate an academically defensible argument. Arifin et al. (2021) highlight the importance of connecting legal education with practical and contextual experiences so that students can develop abilities that extend beyond doctrinal knowledge. The same principle can be applied by turning judicial selection into a research-oriented learning problem.

The educational relevance of this approach becomes particularly visible in the context of the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu. The topic can bring constitutional law, judicial ethics, Islamic legal thought, and critical legal reasoning into a single learning experience without collapsing these perspectives into one another. Case analysis provides the concrete problem, constitutional law supplies the positive-law framework, and

siyasah qadhā'iyyah opens a normative reflection on justice and judicial responsibility. Evidence-based discussion, source verification, and reflective writing then provide the learning processes through which these perspectives can be developed. Research on case-based learning in a law program at Universitas Bengkulu likewise demonstrates the relevance of case-oriented approaches for strengthening students' critical-thinking skills (Edytiawarman et al., 2024). In this way, Supreme Court Justice selection can function not simply as another topic in constitutional law but as a pedagogical vehicle for developing students who are capable of reading legal institutions critically, evaluating evidence carefully, and articulating legal arguments with intellectual and ethical responsibility.



Conclusion (خاتمة)

This study concludes that integrating Supreme Court Justice selection into legal learning through the perspective of siyasah qadhā'iyyah provides a contextual approach for developing students' legal literacy and critical reasoning. The topic enables students to move beyond memorizing legal provisions by examining constitutional norms, institutional authority, judicial responsibility, and the ethical dimensions of judicial selection through concrete legal problems. The incorporation of siyasah qadhā'iyyah further enriches the learning process by introducing principles of justice, amanah, judicial independence, impartiality, and public benefit as reflective frameworks for understanding judicial authority. Case-based discussion, source verification, academic debate, and reflective writing can transform the topic into an active learning experience that develops students' ability to evaluate evidence and construct reasoned legal arguments. In the context of the Postgraduate Law Study Program at UIN Fatmawati Sukarno Bengkulu, this approach creates an opportunity to connect constitutional law with Islamic legal thought while maintaining the distinction between positive law and Islamic jurisprudence. Therefore, Supreme Court Justice selection can be positioned as a meaningful educational context for developing university students who are analytically capable, legally literate, and ethically aware of the responsibilities associated with judicial power.

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Bibliography (مراجع)

- Alfiandra, A., Yusuf, S., & Barlian, I. (2022). Improving students' critical thinking skills through case based learning oriented textbook. *Jurnal Penelitian dan Pengembangan Pendidikan*, 6(3), 440-449. <https://doi.org/10.23887/jppp.v6i3.56179>
- Al Mustaqim, D. (2025). Analysis of the impact of case-based learning methods in enhancing students' legal analysis skills. *Journal of Education and Teaching*, 6(1). <https://doi.org/10.24014/jete.v6i1.28936>
- Arifin, S., Wedhatami, B., & Alkadri, R. (2021). Adoption and implementation of clinical legal education programmes in the Indonesian legal education system. *The Law Teacher*, 55(2), 204-219. <https://doi.org/10.1177/2322005820961208>
- Chandranegara, I. S. (2019). Defining judicial independence and accountability post political transition. *Constitutional Review*, 5(2), 294-329. <https://doi.org/10.31078/consrev525>

- Deliady, D., & Irwansyah. (2024). Dissenting opinion Putusan Mahkamah Konstitusi Nomor 1/PHPU.PRES-XXII/2024 tentang perselisihan hasil Pemilihan Umum Presiden dan Wakil Presiden 2024 dalam perspektif siyasah qadhaiyyah. *Morality: Jurnal Ilmu Hukum*, 10(2). <https://doi.org/10.52947/morality.v10i2.895>
- Edytiawarman, E., Arso, D. D., Fithriah, N., & Hatikasari, S. (2024). Pendekatan inovasi pembelajaran berbasis studi kasus untuk meningkatkan keterampilan berpikir kritis pada mata kuliah wajib keperdataan di Prodi Hukum Universitas Bengkulu. *Indonesian Journal of Social Science Education*, 6(1), 43–51. <https://doi.org/10.29300/ijse.v6i1.3998>
- Harahap, A. N., & Ramadani. (2025). Tinjauan fiqh siyasah qadhaiyyah terhadap Putusan PTUN Surabaya No. 32/G/KI/2021 dalam sengketa keterbukaan informasi publik. *Maqasid: Jurnal Studi Hukum Islam*, 14(1), 42–55.
- Kurniawan, R., Supentri, S., & Radini, R. (2026). Legal literacy is an essential competency that must be possessed by students of Pancasila and Civic Education (PPKn) as prospective educators. *Jurnal Pancasila dan Kewarganegaraan*, 11(2), 213–222. <https://doi.org/10.24269/jpk.v11i2.13771>
- Meuraxa, Y. I., & Suparmin, S. (2025). Legal analysis of exemption from obstetrician's duties from the perspective of fiqh siyasah qadhaiyyah (PTUN Study No. 55/G/2023/MDN.). *LEGAL BRIEF*, 13(6), 1403–1411. <https://doi.org/10.35335/legal.v13i6.1188>
- Misnawati, M., Astri, Z., & Pilu, R. (2023). Legal case-based reading to promote critical thinking for law students. *Jurnal Pendidikan: Teori, Penelitian, dan Pengembangan*, 8(5), 355–363. <https://doi.org/10.17977/2502-471X.2353>
- Mu'in, F., & Rahmah, N. (2026). Analisis siyasah qadhaiyyah terhadap Putusan Mahkamah Konstitusi Nomor 169/PUU-XXII/2024 tentang keterwakilan perempuan dalam parlemen. *Jurnal AL-MAQASID: Jurnal Ilmu Kesyariahan dan Keperdataan*, 12(1).
- Radini, R., Kurniawan, O., Al Fajar, B., Zufriady, Munjiatun, & Setiawan, A. (2026). Legal literacy among civic education students: A study of cognitive, affective, and behavioural dimensions. *Jurnal PAJAR (Pendidikan dan Pengajaran)*, 10(2).
- Sani, M., & Khalid, K. (2025). Analysis of Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 concerning the dispute over the results of the 2024 presidential election from the perspective of siyasah qadhaiyyah. *LEGAL BRIEF*, 14(3), 599–608. <https://doi.org/10.35335/legal.v14i3.1374>
- Sulistio, M. R., Amin, M., & Rizal, L. F. (2026). Judicial independence and dual positions: A siyasah qadhaiyyah analysis of Constitutional Court Decision No. 183/PUU-XXII/2024. *Journal of Indonesian Islamic Studies*, 5(2), 245–254. <https://doi.org/10.24256/jiis.v5i2.10375>
- Syamsuddin, I. (2026). Strengthening civic legal literacy of PPKn students through legal learning. *Jurnal Ilmiah Literasi Indonesia*, 2(2), 629–638. <https://doi.org/10.63822/vv771g38>
- Taufik, G. A. (2014). Pembatasan dan penguatan kekuasaan kehakiman dalam pemilihan hakim agung. *Jurnal Yudisial*, 7(3). <https://doi.org/10.29123/jy.v7i3.81>
- Tjeppey, T. (2021). Learning civic education on students' legal awareness. *Jurnal Civics: Media Kajian Kewarganegaraan*, 18(1), 97–108. <https://doi.org/10.21831/jc.v18i1.38602>
- Widyawati, A., Arifin, R., & Rasdi. (2021). Brain versus reality: How should law students think? *Indonesian Journal of Advocacy and Legal Services*, 3(1), 91–110. <https://doi.org/10.15294/ijals.v3i1.42290>
- Al-Mawardi. (2019). *Al-Ahkam al-Sultaniyyah*. Dar al-Kutub al-'Ilmiyyah.

- Ibn Taymiyyah. (2019). *As-Siyasah asy-Syar'iyah*. Dar al-Kutub al-'Ilmiyyah.
- Auda, J. (2008). *Maqasid al-shariah as philosophy of Islamic law: A systems approach*. International Institute of Islamic Thought.
- Republik Indonesia. (1945). *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*.
- Republik Indonesia. (2009). *Undang-Undang Nomor 3 Tahun 2009 tentang Perubahan Kedua atas Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung*.
- Republik Indonesia. (2009). *Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman*.
- Republik Indonesia. (2011). *Undang-Undang Nomor 18 Tahun 2011 tentang Perubahan atas Undang-Undang Nomor 22 Tahun 2004 tentang Komisi Yudisial*.