

Integration of Maqashid Syaria in Nurcholish Madjid's Thinking about Principles for Effective Good Governance

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Abstract

This research aims to integrate the concept of *Maqasid Syaria* with Nurcholish Madjid's framework of good governance. There exists a conceptual gap that requires deeper understanding, as Nurcholish Madjid's theories on good governance may hold perspectives, goals, or assumptions that differ from the principles of *maqasid syaria*. The study employed the content analysis method, a systematic approach to examining the fundamental aspects of the material under investigation, specifically literature on good governance and *maqashid syaria*, as initiated by Nurcholish Madjid. The study's findings reveal three main points. Firstly, Nurcholish Madjid emerges as a highly influential contemporary figure within Islam, particularly in Indonesia during the 20th-century transition period. His ideas underscore the necessity of renewing Islam in line with societal demands and contemporary knowledge. His philosophy emphasizes the elevation of human dignity, equality, religious freedom, and social maturity when confronting diversity. Secondly, the compatibility between the *maqashid syaria* and Nurcholish Madjid's ideologies stems from their shared sources—the Qur'an and Hadith. This relationship is further bolstered by the *Qawa'id fiqhiyyah* approach, which establishes principles of effective governance. Lastly, Nurcholish Madjid's principle of good governance is grounded in the principle of *tawhid* and resonates with the *maqashid syaria* (*syaria* objectives) framework, particularly

concerning *muhafadab al-din*. Notably, the tawhid principle, concerning the types of *maqashid syaria* al-Syatibi, falls within the *daruriyyah* (fundamental) category. Conversely, the *hajiyyah* level comprises the supportive principles.

Keywords: Nurcholish Madjid; integration; maqashid sharia; good governance

Introduction

Corruption remains a formidable challenge to overcome. Across various levels of government, corrupt practices continue to thrive, eroding the bureaucratic system.¹ Data indicates that the level of corruption in Indonesia has stagnated and dropped five positions from 110 to 115 out of a total of 180 countries.² This underscores the importance of not underestimating the issue of corruption; it necessitates cross-sectoral collaboration and interdisciplinary research to discover optimal solutions for curtailing and mitigating corrupt practices in Indonesia.

The bureaucratic pathology in Indonesia has become an intriguing issue, where corrupt practices at various levels of bureaucracy have financially and morally harmed the nation.³ Alongside the advancement of society and the increase in its problems, it appears that the "pathology of government bureaucracy" tends to grow.⁴ This phenomenon occurs on a global scale across nearly all countries, including Indonesia. In this regard, Nurcholish Madjid attempts to offer the concept of Good Governance development with principles of Islamic constitutional law, which can be presented to the government for implementation in public bureaucracy management, with the hope of minimizing the practices of corruption, collusion, and nepotism, and achieving a civil society.⁵

Prior studies have extensively delved into the ideologies of Nurcholish Madjid. For instance, Wedhono Jati portrays the Medina Charter through Nurcholish Madjid's lens as a blueprint for a nation-state established on the

¹ Ramlan Darmansyah, Siti Desma Syahrani, and Zulfa Harirah MS, "The Image of Political Dynasty in Filling the Administrative Position," *Journal of Political Issues* 2, no. 1 (2020).

² Susana Rita Kumalasanti, "Peringkat RI Merosot Dalam Pemberantasan Korupsi," <https://www.kompas.id/baca/polhuk/2024/01/30/peringkat-ri-merosot-dalam-pemberantasan-korupsi>, January 30, 2024.

³ Eneng Imas Yusmiati, "Bahaya Korupsi Di Dalam Sistem Birokrasi," *Jurnal Pemikiran Dan Pengembangan Pembelajaran* 2, no. 1 (April 30, 2020): 65–73; Ervanda Rifqi Priambodo, Miftahul Falah, and Yoga Pratama Silaban, "Mengapa Korupsi Sulit Diberantas," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 1, no. 1 (2020), <https://doi.org/10.38035/jihhp.v1i1.356>.

⁴ Simon Butt, *Corruption and Law in Indonesia*, vol. 1 (London: Routledge, 2011).

⁵ M Dawam Rahardjo, "Masyarakat Madani Di Indonesia: Sebuah Penajakan Awal," *Jurnal Pemikiran Islam Paramadina*, 1999.

premise of diversity, aiming to unify all societal elements into a cohesive nation without internal distinctions.⁶ Other scholarly works note that Nurcholish Madjid opposes the notion of Indonesia as an Islamic state, yet equally dismisses the idea of a fully secular Indonesia.⁷ Instead, Madjid endeavors to forge a novel form of political Islam, prioritizing substance over form in its core principles.⁸ Choeroni further delineates Nurcholish Madjid's concept of Islamic politics, suggesting that it does not advocate for the direct politicization of Muslims or their involvement in political structures. Rather, it seeks to globalize values inherently worldly in nature, thereby emancipating Muslims from the inclination to enforce them in their daily lives.⁹ This research's novelty lies in its integrative approach, merging the concepts of Maqasid Sharia with Nurcholish Madjid's doctrines on good governance. A definitive effort is made to articulate how the principles of Maqasid Sharia can be seamlessly integrated into Madjid's framework of effective governance.

The significance of Nurcholish Madjid's perspective as a thinker, which emphasizes not only theological aspects but also social and humanistic dimensions,¹⁰ forms the foundation of this research. This study aims to identify the potential integration between the principles of Maqasid Sharia and Nurcholish Madjid's ideas on corruption-free governance. The method employed is conceptual analysis (Content Analysis), a approach designed to dissect the essence of the analyzed material, particularly literature related to the concepts of Good Governance, *Maqasid Syaria*, and Nurcholish Madjid's thoughts. The discussion in this study is divided into several sections: First, it elucidates Nurcholish Madjid's biography and his prominence in Islamic thought; Second, it examines the relationship between *Maqashid Syaria* and Nurcholish Madjid's ideas; Third, it explores the integration of *Maqashid Syaria* principles within Nurcholish Madjid's framework of thought to achieve Good Governance. The research findings are expected to serve as a foundation for formulating policy recommendations that are more precise and aligned with Islamic values. The process of literature analysis in this study not only contributes to academic literature but also guides governmental thinking and practices towards creating good governance. This involves considering ethical

⁶ Muhammad Pengkuh Wedhono Jati, "Konsepsi Masyarakat Madani Dalam Menegakkan Hak Asasi Manusia," *ULIL ALBAB Jurnal Ilmiah Multidisiplin* 2, no. 7 (2023): 2837.

⁷ Budi Prayetno, "Konsep Sekularisasi Dalam Pemikiran Nurcholish Madjid," *Sulesana* 11, no. 2 (2017).

⁸ Ahmad Ali Nurdin, "Revisiting Discourse on Islam and State Relation in Indonesia: The View of Soekarno, Natsir and Nurcholish Madjid," *Indonesian Journal of Islam and Muslim Societies* 6, no. 1 (2016), <https://doi.org/10.18326/ijims.v6i1.63-92>.

⁹ Choeroni Choeroni and Azwan Pratama, "Nurcholish Madjid's Thoughts on Islamic Politics in Indonesia," 2020, <https://doi.org/10.4108/eai.11-12-2019.2291804>.

¹⁰ Made Saihu, "Pedidikan Moderasi Beragama: Kajian Islam Wasathiyah Menurut Nurcholish Madjid," *Andragogi: Jurnal Pendidikan Islam Dan Manajemen Pendidikan Islam* 3, no. 1 (2021), <https://doi.org/10.36671/andragogi.v4i01.151>.

aspects and religious values within the context of evolving governance, aiming to establish a framework that upholds both ethical principles and religious values. As Asmawi has articulated, the theory of *maqashid syaria* or *maslahah* (public interest) has relevance or a connection to anti-corruption laws.¹¹

Discussion

Nurcholish Madjid and His Thoughts on Islam

Nurcholish Madjid was an influential thinker, scholar, and Islamic intellectual in Indonesia. He was born on March 17, 1939, in Mojoanyar, Jombang, East Java, and passed away on August 29, 2005, in Jakarta.¹² He is renowned for his contributions to the development of moderate Islam, pluralism, and tolerance in Indonesia.¹³ His ideas have had a significant impact on the evolution of Islamic thought in Indonesia, particularly in the contexts of modernization and democratization.¹⁴ Nurcholish Madjid's works also intersect with economic policies, as he advocated for a fairer economic system in line with Islamic principles.¹⁵ His influence is evident in the realm of education, where his ideas have shaped the attitudes and aspirations of students, especially regarding pursuing studies at institutions of higher education.¹⁶ He also spoke about the enforcement of human rights from an Islamic perspective.¹⁷ However, it is rare to find studies specifically focusing on Nurcholish Madjid's views on the realization of good governance in a country.

Since the 1970s, Nurcholish Madjid has been known as one of the most productive and controversial Islamic scholars. He boldly deconstructed Islamic thought, which he believed had long suffered from degradation, stagnation, and rigidity, causing Muslims to lose the ability to adapt to the complexities of real-life issues. There are three distinctive topics in Nurcholish Madjid's thoughts:

¹¹ Asmawi Asmawi, "RELEVANSI TEORI MASLAHAT DENGAN UU PEMBERANTASAN KORUPSI," *De Jure: Jurnal Hukum Dan Syariah* 1, no. 2 (2009), <https://doi.org/10.18860/j-fsh.v1i2.330>.

¹² Sunan Ampel, "Pluralisme Agama Dalam Prespektif Nurcholish Madjid," *Religio* 1, no. 1 (2011).

¹³ Feryani Umi Rosidah, Ali Mursyid Azisi, and Kunawi Basyir, "Pluralisme Berbasis Tauhid Di Indonesia: Studi Analisis Terhadap Pemikiran Nurcholish Madjid," *NALAR: Jurnal Peradaban Dan Pemikiran Islam* 7, no. 1 (2023): 64–94.

¹⁴ Jun Mawalidin Jun, "Pergeseran Pemikiran Nurcholish Madjid Tentang Partai Politik Islam Di Indonesia," *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 9, no. 1 (2022), <https://doi.org/10.32505/politica.v9i1.3904>.

¹⁵ Fardhal Virgiawan Ramadhan, "Transformasi Ekonomi Digital Indonesia Dalam Mewujudkan Indonesia Emas 2045: Pemikiran Prof. Nurcholish Madjid," *Jurnal Ilmiah Ekonomi Islam* 10, no. 1 (2024).

¹⁶ Saefudin Zuhri, "Napak Tilas Konsep Pemikiran Pendidikan Nurcholis Madjid," *Jurnal Pendidikan Agama Islam* 7, no. 2 (December 11, 2020): 114–35.

¹⁷ Nur Baiti, "Konsep Hak Asasi Manusia Menurut Nurcholish Madjid" (Universitas Islam Negeri Sumatera Utara, 2022).

Islamicness, Indonesianness, and Modernity.¹⁸ Nurcholish Madjid is renowned for advocating for the "renewal" of Islamic thought. He believed that Islam should be understood contextually, in accordance with the demands of the times. Madjid emphasized that the understanding of Islam should be in harmony with the developments in science and society.¹⁹

Nurcholish Madjid elevates human beings as the paramount entity within his philosophical framework. Any elements that diminish human dignity must be eradicated. He champions the idea of equality between men and women, recognizing their equal rights and stature as sovereign beings, despite their biological differences.²⁰ Madjid acknowledges the existence of all religions and advocates for the freedom to choose one's faith based on personal conviction, urging society to exhibit maturity in embracing diversity.²¹ In Madjid's political Islamic thought, he underscores the imperative of openness among both Muslims and non-Muslims in Indonesia to avert situations jeopardizing community cohesion.²² He asserts the need for a renewal of the Islamic paradigm concerning communal life, advocating its implementation in Islamic education. Embracing the concept of "Islamic Modernity and Indonesianness," Madjid emphasizes Islam's role in modern life, intellectual advancement, and the cultivation of an egalitarian and democratic educational system.

Nurcholish Madjid highlights the need to reform the pesantren education system in Indonesia, aiming for a more egalitarian and democratic educational approach rooted in universal values of truth and humanity.²³ The educational modernization proposed by Madjid centers on the development of philosophical thinking methods and the revival of the Islamic scholarly tradition, known for its remarkable achievements during the classical Islamic era.²⁴ He emphasizes the necessity for education to progress in a progressive and democratic manner, fostering open-mindedness, flexibility, and critical thinking.

¹⁸ Nasitotul Janah, "Nurcholish Madjid Dan Pemikirannya (Diantara Kontribusi Dan Kontroversi)," *Cakrawala: Jurnal Studi Islam* 12, no. 1 (2017), <https://doi.org/10.31603/cakrawala.v12i1.1655>.

¹⁹ Imam Mustofa, "Sketsa Pemikiran Islam Liberal Di Indonesia," *Akademika: Jurnal Pemikiran Islam* 17, no. 2 (October 17, 2012): 153–76.

²⁰ Mohammad Monib and Islah Bahrawi, *Islam & Hak Asasi Manusia Dalam Pandangan Nurcholish Madjid* (Jakarta: PT Gramedia Pustaka Utama, 2011).

²¹ Johan Setiawan, "Pemikiran Nurcholish Madjid Tentang Pluralisme Agama Dalam Konteks Keindonesiaan," *Zanijab: Jurnal Pemikiran Islam* 5, no. 1 (2019).

²² Mohammad Taufiq Rahman and Asep Saeful Mimbar, "Konsep Politik Islam Kultural Perspektif Nurcholish Madjid," *FIKRI: Jurnal Kajian Agama, Sosial Dan Budaya*, 2018, <https://doi.org/10.25217/jf.v3i2.308>.

²³ Zaen Musyirifin, "Pemikiran Nurcholish Madjid Tentang Pembaharuan Pendidikan Islam," *Jurnal Madaniyah* 6, no. 2 (August 31, 2016): 315–27.

²⁴ Miftakhul Munir, "Modernisasi Pendidikan Islam Dalam Perspektif Nurcholish Madjid," *Journal EVALUASI* 1, no. 2 (2018), <https://doi.org/10.32478/evaluasi.v1i2.73>.

This approach aims to realize the vision of a tolerant civil society amidst the rich diversity of ethnicities, cultures, and religions.²⁵

Based on references from Nurcholish Madjid's works, it appears that there is no single comprehensive work that thoroughly discusses the issue of good governance. Sukandi explains that among the numerous books by Cak Nur (Nurcholish Madjid's nickname), none are complete works specifically addressing this topic. They are all collections of writings or papers. This is where Nurcholish Madjid often receives criticism and also reveals his weaknesses. Regarding the principles of governance, Nurcholish Madjid has argued that within Islam, there are principles of good governance that, if understood and applied by government officials, can help reduce corruption, collusion, and nepotism. Through tracing historical Islamic sources and authoritative references such as the *Qur'an*, *Hadith*, and Nurcholish Madjid's works mentioned above, the principles of Islamic constitutional law (*fiqh siyasah dusturiyyah*) can be extracted. These principles can then serve as a frame of reference in building good governance in Indonesia.

The Compatibility of the Concept of Maqashid Sharia with Nurcholish Madjid's Thoughts on Good Governance

Before studying further in the perspective of maqasid sharia, the author needs to lay out the discussion line first. What is maqasid sharia? In a publication written by Syukur Prihantoro about the notion of *maqasid syaria* according to Jasser Auda, the origin of the word '*maqsid*' (plural: *maqasid*) refers to the meaning of goals, objectives, principles, or things of interest. As for the science of *shari'a*, *al-Maqasid* can show several meanings such as *al-hadif*, *al-gard*, *al-Matblub*, or *al-Ghayah* from Islamic law. On the other hand, some Muslim scholars consider *al-Maqasid* the same as *al-Masalib* (maslahat-maslahat) such as Abd al-Malik al-Juwayni. Al-Juwayni was one of the first scholars to initiate the development of the Maqasid-theoretical, he used the words *al-Maqasid* and *al-Masalib al-'Ammah* as interchangeable. Then, Abu Hamid al-Gazali, further elaborated al-Juwayni's work by classifying-*Maqasid* and including it into the category-*Masalib al-Mursalab* (Maslahat loose, or maslahat that is not mentioned directly in the sacred text).

Najmudin al-Tufi (w: 716 H/ 1316 AD) defines *maslahah* as 'what fulfills the purpose of the legislator' where a cause leads to the intentional-shari'a'. As for Islamic law, Imam Ibn al-Qayyim said that "shari'a is the basic building, laid on wisdom and human welfare, in this world and in the hereafter. Syaria, everything is justice, mercy, wisdom and goodness. From the various explanations above, at least *Maqasid al-Syaria* can be understood as a method of

²⁵ Syamsul Huda, Devy Habibi Muhammad, and Ari Susandi, "Konsep Pendidikan Islam Multikultural Dalam Pandangan KH. Abdurrahman Wahid Dan Nurcholish Madjid," *Jurnal Pendidikan Dan Konseling* 4, no. 2 (2022): 148–56.

Islamic law to realize a justice and benefit that is not mentioned directly in the holy texts (al-Qur'an and al-Hadith), nor is a method that delivers to evil.²⁶

As stated by asy-Syathibi, laws in Sharia are legislated for the benefit of humanity. The essence of *Maqasid Sharia* is to realize goodness while avoiding evil, to attain benefits and ward off harm, or in other words, to achieve welfare, as the purpose of establishing laws in Islam is to create benefits in order to preserve the Shariah's objectives.²⁷ Imam al-Ghazali views that a benefit must align with the objectives of Shariah, even if it contradicts human objectives, because human welfare is not always based on desires. Al-Ghazali, like asy-Syathibi, in establishing the objectives of *Shariah* that must be preserved, identifies five forms: *hifzu al-din* (preservation of religion), *hifzu al-nafs* (preservation of life), *hifzu al-'aql* (preservation of intellect), *hifzu al-nasl* (preservation of progeny), and *hifzu al-mal* (preservation of wealth).²⁸ When someone engages in an action that fundamentally aims to preserve these five aspects of Shariah's objectives, it is called *maslahah* (benefit). Asy-Syathibi then divides this *maslahah* into three levels, each level containing a different essence of benefit: *Ad-Dharuriyyah* (necessary and urgent), *Al-Hajiyah* (non-urgent, providing relief), and *At-Tahsiniiyyah* (non-urgent, bringing beauty).²⁹

Based on the earlier explanation, good governance is a government that is responsive in its efforts to solve the various problems faced by its society. For Nurcholish Madjid, the government should act as a problem solver, often engaging in preventive measures to avoid the emergence of issues. The problems that must truly be avoided are those related to budget abuse. A clean government is one whose officials do not engage in practices of Corruption, Collusion, and Nepotism (KKN).³⁰ They should act objectively, neutrally, and without discrimination, meaning they do not prioritize friends, relatives, their own groups, or individuals with money, power, or connections. For example, giving preferential treatment to their own children, family, or friends for business purposes.³¹

²⁶ A. Bahrudin, "Implementasi Maqasid Al-Shari'ah Sebagai Solusi Problematika Sosial Dan Kemasyarakatan Kontemporer," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 17, no. 1 (2017), <https://doi.org/10.18326/ijtihad.v17i1.1-18>.

²⁷ Suansar Khatib, "Konsep Maqashid Al-Syari'ah: Perbandingan Antara Pemikiran Al-Ghazali Dan Al-Syathibi," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 5, no. 1 (2018), <https://doi.org/10.29300/mzn.v5i1.1436>.

²⁸ Abu Ishaq al-Syatibi, *Al-Muwafaqat Fi Usul al-Syari'ah* (Beirut: Dar al-Ma'rifah, 1973).

²⁹ Nirwan Nazaruddin and Farhan Kamilullah, "Maqashid As-Syariah Terhadap Hukum Islam Menurut Imam As-Syatibi Dalam Al-Muwafaqat," *Jurnal Asy-Syukriyyah* 21, no. 1 (2020), <https://doi.org/10.36769/asy.v21i1.101>.

³⁰ Nur Rahmah, "The Problem Of The Jakarta High Court Decision Number 10 / PID. SUS-TPK/2021/PT DKI Against Dr. Pinangki Sirna Malasari, S. H., M. H.," *MIL.Rev: Metro Islamic Law Review* 2, no. 1 (2023): 65–78.

³¹ Rahmah.

As an institution, government bureaucracy must operate efficiently, as its fundamental goal is to cater to the various needs and interests of citizens. The administrative apparatus of the government should consist of individuals of integrity, prioritizing the public welfare above personal gain or the interests of particular groups while providing services. According to Nurcholish Madjid, the signs of a good and transparent government bureaucracy are evident in its adherence to the maqasid Shariah, sourced from the Qur'an and Hadith.

Table 1: Nurcholish Madjid's Principles of Good Governance Based on *Al-Qur'an* and *Al-Hadith* Source

No	Nurcholish Madjid's Principles of Good Governance	Al-Qur'an surah	Narrated Al Hadith
1	<i>Tambid</i>	<i>Ali</i> <i>Imran</i> /3:64, <i>Yunus</i> /10:47, <i>al-Anbiya'</i> /21:25	الراحمون يرحمهم الرحمن ارحموا من في الأرض يرحمكم من في السماء Translation: "Those who extend mercy to fellow beings shall find favor with the Most Merciful. Embrace love for those upon the earth, and the One in the heavens shall shower His love upon you." (HR. Tirmidzi).
2	Justice	<i>al-Ma'idah</i> /5:8, <i>al-Takāthur</i> , <i>al-Humazab</i> dan <i>al-Tambah</i> ,/9:35-36, <i>al-Nisā'</i> /4:48, <i>al-Baqarab</i> /2:279, <i>al-Baqarab</i> /2:288, <i>al-Nisā'</i> /4:58 and 135, dan <i>al-Nahl</i> /16:36.	"Two expressions light upon the tongue, yet weighty upon the scales: 'Glory be to Allah, the Greatest, and praise be to Allah, the Most Praised."
3	Trustworthiness	<i>al-Qassas</i> /28:26.	من استعماناه على عمل فرزقناه رزقا فما اخذ بعد ذلك فهو غلول (رواه ابو داود).
4	Deliberation	<i>al-'Asr</i> /103:1-3, dan <i>asy-Syura</i> /42:38-43.	
5	Freedom	<i>al-Baqarab</i> /2:256, <i>al-Kafirun</i> /109:5-6.	
6	Brotherhood	<i>al-A'raf</i> /7:65, <i>al-Hujurat</i> /49:10, 11, dan 12.	
7	Law Enforcement	<i>al-Baqarab</i> /2:177, <i>al-Nahl</i> /16:91, <i>al-'Alaq</i> /96:6-7, <i>al-Nisā'</i> /4:85, 135, dan <i>al-Ma'idah</i> /5:42-49.	"Verily, those before you were indeed ruined when they applied the law rigorously upon the common people but neglected it for the elite. By Allah, in whose hands is my soul, if Fatimah were to transgress, I would enforce the law upon her, cutting off her hand." (Bukhāriy, Muslim,

			Tirmidhi, Abū Dawūd, Ibn Majah, Nasa'i, Ahī mad dan Dārimi).
8	Equality	<i>al-Hujarat</i> /49:13, <i>al-Isra'</i> /17:70.	1. "All Mankind is descended from Adam, and Adam was created from dust. People are like the teeth of a comb, with no distinction between an Arab and a non-Arab except through righteousness." 2. "Adopt the character of Allah" (<i>Takballuqu bi akhlaqi Allah</i>).
9	Effective and Efficient	<i>al-Tawbah</i> /9:109.	من حسن إسلام المرء تركه ما لا يعنيه (رواه الترمذي واحمد)
10	Human Rights	<i>al-Baqarah</i> /2:219, <i>al-Ma'idah</i> /5:32, <i>al-Tin</i> /95:4-6, dan <i>al-A'raf</i> /7:179	"Every soul descends from Adam, and Adam emerges from the earth. Humanity is akin to the teeth of a comb, where there is no distinction between Arab and non-Arab, except through piety and righteousness."
11	Social Oversight	<i>al-Hā adid</i> /57:4,	
12	Public and Khaliq (The Almighty) Accountability	<i>al-Ma'idah</i> /5:44-50, <i>al-Baqarah</i> /2:256, dan <i>al-Tawbah</i> /9:109.	"One of the virtues of the Muslim community is leaving aside that which is of no benefit." "Each one among you has signs; endeavor to comprehend them to the utmost. And indeed, each of you has a limit, a conclusion."

Data Source: Primary data, 2024

Aside from drawing from the Qur'an, Nurcholish Madjid also grounds the foundation of his concept of good governance in the Hadith. Meanwhile, his method of *maqashid syaria* refers to the principles of jurisprudence (*qawa'id fiqhīyyah*). Usul al-fiqh comprises general evidences, whereas qa'idah fiqh consists of general laws. The object of study for qawa'id fiqhīyyah is the actions of the accountable individual (mukallaf). *Qawa'id fiqhīyyah*, supported by both primary sources, can serve as evidence in the formulation of Islamic law.³² *Qawa'id fiqhīyyah* also serves as the fundamental guide (utilized as the method of *maqashid syaria*) in establishing the principles of good governance. Among the *qawa'id fiqhīyyah* utilized by Nurcholish Madjid in the principles of good governance can be seen in the following table:

³² Syahrizal, Paradigma Historis Al-Qawa'id al-Fiqhīyyah (Banda Aceh: PPs IAIN Ar-Raniry Darussalam, 2002).

Table 2: Nurcholish Madjid's Principles of Good Governance Based on *Qawa'id Fiqhiyyah*

No	Nurcholish Madjid's principles of good governance	<i>Qawa'id Fiqhiyyah</i> (Legal Principles)
1	<i>Tawhid</i>	<p>درأالمفاسد مقدم علي جلب مصالح</p> <p>"Avoiding wrongdoing is preferable to seeking goodness."</p> <p>المشقة تجلب التيسر</p> <p>"Difficulty in the practice of worship will bring about ease."</p>
2	Justice	<p>اليقين لا يزال بالشق لا تظلمون ولا تظلمون</p> <p>(<i>La tazlimun wa la tuzlamun</i>).</p> <p>درأالمفاسد مقدم علي جلب مصالح ما كان أكثر فعلا كان أكثرفضلا</p> <p>"Indeed, from righteous deeds, the more they are performed, the greater their virtues become."</p>
3	Trustworthiness	<p>الخيانة لا تتجزأ</p> <p>"Per"Indeed, the act of betrayal is indivisible."</p>
4	Deliberation / transparency	<p>درأالمفاسد مقدم علي جلب مصالح</p> <p>المحافضة على القديم الصالح والأخذ بالجديد الأصالح</p>
5	Freedom	<p>رضى الناس غاية لا تدرك</p> <p>مالا يدرك كله لا يترك كله</p> <p>درأالمفاسد مقدم علي جلب مصالح</p> <p>الحريات المرء محدودة بالحريات سواه</p> <p><i>Al-Hurriyyat al-mar' i mahdudah bi al-hurriyyat-i sinabu</i></p>
6	Brotherhood	<p>لهم مالنا وعليهم ما علينا</p> <p>"For them, there are rights, and upon them are imposed responsibilities, just as responsibilities are imposed upon us."</p>
7	Law Enforcement	<p>درأالمفاسد مقدم علي جلب مصالح</p> <p>درأالمفاسد مقدم علي جلب مصالح</p>
8	Equality	<p>لهم مالنا وعليهم ما علينا</p> <p>"To them belong rights, and upon them are placed duties, just as duties are placed upon us."</p>
9	Effective and Efficient	<p>درأالمفاسد مقدم علي جلب مصالح</p> <p>مالا يدرك كله لا يترك كله</p>
10	Human Rights	<p>درأالمفاسد مقدم علي جلب مصالح</p> <p>مالا يدرك كله لا يترك كله</p>
11	Social Oversight	<p>المحافضة على القديم الصالح والأخذ بالجديد الأصالح</p> <p>درأالمفاسد مقدم علي جلب مصالح</p> <p>الحقيقة في الأعيان لا في الأذهان</p> <p>"The truth is in the external reality, not in the thoughts."</p>

12 Public and Khaliq (The Almighty) Accountability

تصرف الإمام على الرعية منوطاً بالمصلحة
 ما لا يدرك كله لا يترك كله
 درأ المفاسد مقدم على جلب مصالح

Data Source: Primary data, 2024

Based on the information presented in the table above, it is evident that Nurcholish Madjid intends to present state officials (the public) with a solution that concerns the implementation of good governance in Indonesia with *qawa'id fiqhiyyah* approach.

Integration of *Maqashid Syaria* Principles within the Framework of Nurcholish Madjid's Thoughts to Realize Good Governance

According to Nurcholish Madjid, authority or government must be effectively controlled by political institutions at the superstructure level, such as the legislature and judiciary. Additionally, political forces at the infrastructure level, including political parties, NGOs, mass media, mass organizations and other institutions, are crucial. Regarding opposition, Nurcholish Madjid holds that a strong correlation exists between democracy, democratization, and social control.³³ The importance of opposition and control is proportional to the propensity of authority to deceive, misuse, and corrupt.³⁴ Consequently, authority must be rigorously observed internally and externally (*tawhid*, which means understanding and knowing the pillars of faith). Consequently, individuals' propensity for corruption is not primarily motivated by economic considerations but rather by deficiencies in personality or mindset. Further examination, according to Djam'annuri, reveals this factor to be the weakness of *tawhid* as the basis of religious belief.

Table 3: Nurcholish Madjid's Principles of Good Governance Based on *Maslahah* (Public Interest)

No	Types of <i>Maslahah</i> (Public Interest)	Nurcholish Madjid's Principles of Good Governance
1	<i>Daruriyyah</i> (primary)	<i>Tawhid</i>
2	<i>Hajjiyyah</i> (secondary)	Justice, deliberation, trust, freedom, brotherhood, law enforcement, equality, effectiveness and efficiency, human rights, social supervision, and the principle of

³³ Nurcholish Madjid, *Cita-Cita Politik Islam Era Reformasi* (Jakarta: Paramadina, 1999).

³⁴ Nurcholish Madjid, *Dialog Keterbukaan: Artikulasi Nilai Islam Dalam Wacana Sosial Politik Kontemporel*, 1st ed. (Jakarta: Paramadina, 1998).

public accountability and *Khaliq* (The Almighty).

3 *Tahsiniiyyah* (terrier)

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Data Source: Primary data, 2024

Considering the kinds of *maslahah* which are divided into three, namely *maslahah daruriyyah*, *hajiiyyah*, and *tahsiniiyyah*,³⁵ Nurcholish Madjid's principles of good governance can be classified into two kinds of *maslahah*. First, *maslahah daruriyyah* and included in it is only one, namely the basic principle or *tawhid*. Second, *maslahah hajiiyyah* and included in this group are the principles of justice, deliberation, trust, freedom, brotherhood, law enforcement, equality, effectiveness and efficiency, human rights, social supervision, and the principle of public accountability and *Khaliq* (The Almighty).

The further question that arises is whether Nurcholish Madjid's principles of good governance are consistent with *maqashid syaria* or not? The answer found after the author's research is appropriate (*mula'amah*). The reason can be explained by referring to *maqashid syaria* (the purpose of Islamic law) as formulated by al-Syatibi (d. 790 AH), which states that it is to protect religion, soul, mind, progeny, and property. If this is the case, then Nurcholish Madjid's twelve principles of good governance are consistent with *maqashid syaria*. The compatibility can be summarized in the following table:

Table 4: Compatibility of Nurcholish Madjid's Principles of Good Governance with *Maqashid Syar'iiyyah*

No.	Principles of Good Governance Nurcholish Madjid	<i>Maqashid syar'iiyyah</i>
1	<i>Tawhid</i>	<i>Hifẓ al-din</i>
2	Justice	<i>Hifẓ al-mal</i>
3	Deliberation	<i>Hifẓ al-mal</i> <i>Hifẓ al-'aql</i>
4	Trust	<i>Hifẓ al-mal</i>
5	Freedom	<i>Hifẓ al-mal</i> <i>Hifẓ al-nafs</i>
6	Brotherhood	<i>Hifẓ al-mal</i> <i>Hifẓ al-nasl</i>
7	Law Enforcement	<i>Hifẓ al-mal</i>
8	Equality	<i>Hifẓ al-mal</i>

³⁵ Zelfeni Wimra, "Reintegrasi Konsep Maqashid Syari'ah Dalam Adat Basandi Syara', Syara' Basandi Kitabullah," *JURIS (Jurnal Ilmiah Syariah)* 15, no. 2 (2017), <https://doi.org/10.31958/juris.v15i2.499>; Syamsuar, *PENGANTAR ILMU USHUL FIQH* (Banda Aceh: Lembaga Naskah Aceh (NASA), 2018).

9	Effective and Efficient	<i>Hifz al-mal</i>
10	Human Rights	<i>Hifz al-nafs</i>
11	Social Supervsion	<i>Hifz al-mal</i>
12	Public Accountability and Khaliq (The Almighty).	<i>Hifz al-mal</i> <i>Hifz al-din</i>

Data Source: Primary data, 2024

The Concept and Application of the Main Principles (Tawhid) Formulated by Nurcholish Madjid in Good Governance Associated with Maqasid al-Sharia in the Table Above, Including the Category of Hifz al-Din (Preserving Religion). The 'Illah (rationale) of it lies in the earnest understanding of the principle of Tawhid and its implementation by state officials or government entities, whether public or private. This ensures the preservation of their religion, and such preservation is attributed, in part, to the avoidance of ghulul (corruption) by public/private employees out of fear of Allah's observation (the strength of the principle of Tawhid), or in other words, apprehension of transgressing the normative values of Islam.³⁶ These values have the potential to lead state officials or any individual to adopt an anti-corruption stance.

The anti-corruption values that will emerge from the actions of these state officials take the form of prohibitions against bribery and gifts to officials. This can be understood from the Hadith narrated by Ahmad, where the Prophet Muhammad said, "Allah curses those who give bribes, those who receive bribes, and those who act as intermediaries between them." The term "bribery" here refers to a material gift or promise given to someone with the intention of influencing the recipient's decision in favor of the giver, contrary to the law. If there is no such intention, then the gift is referred to as just that—a gift. In Islam, bribery is considered an act of exchanging Allah with something material. This is because the act of bribery manifests as one's submission to material forms other than God, which contradicts the principle of Tawhid as an institution for freeing its adherents from any bondage other than God. Additionally, Islam views the practice of bribery as potentially causing those weak in their spiritual and moral standing to lose their rights, whereas the interests of the weak in Islam are synonymous with those of Allah, as mentioned in the Qur'an in Surah Al-Hadid/57:11:

من ذا الذي يقرض الله قرضاً حسناً فيضاعفه له وله أجر كريم

These principles underscore the Islamic perspective on corruption and its consequences, emphasizing the importance of integrity and righteousness in governance and societal conduct.

³⁶ Masykuri Abdillah and et al., *Formalisasi Syari'at Islam Di Indonesia* (Renaissan 2005).

The Anti-Corruption Values Arising from the Application of the Principle of *Tawhid* Include Prohibitions Against *Ifsad* (Corruption) and *Ghbulul* (Misappropriation). One of the meanings of corruption is the act of causing harm (*ifsad*), as corruption entails actions that harm the political, economic, and legal systems.³⁷ Through corruption, the rights of the people are robbed by public officials, leading them to suffer.³⁸ Due to corruption, business activities are hindered, and the financial capacity of the state weakens. This is because the state loses a significant amount of wealth that rightfully belongs to the people.³⁹ Corruption also damages the political system, as it results in political injustices, such as through the practice of money politics.⁴⁰ In the realm of law, corruption disrupts the functioning of the legal system, leading to chaos. Corruption, in this sense, breeds disorder and upheaval within society.

The application of the principle of Tawhid emphasizes the prohibition of *ifsad* and *ghbulul*, reflecting the Islamic perspective on corruption as an act that not only harms individuals but also destabilizes the entire fabric of society. By adhering to the principles of Tawhid, individuals are reminded of their duty to uphold justice, integrity, and the rights of others, thereby fostering a society free from corruption and its detrimental effects.

The implementation of the supporting principles (justice, consultation, trustworthiness, freedom, brotherhood, law enforcement, equality, effectiveness and efficiency, social oversight, and principles of public accountability and Khaliq) formulated by Nurcholish Madjid in good governance is intricately tied to the *maqashid Sharia*, particularly the category of *hifz al-mal* (preservation of wealth). According to Nurcholish Madjid, the underlying rationale is that the full and conscientious application of these supporting principles is fundamentally aimed at the general welfare (*maslahah 'ammah*).⁴¹

The implementation of the principle of consultation falls under the category of *hifz al-'aql* (preservation of intellect), while the principle of brotherhood falls under *hifz al-nasl* (preservation of progeny). On the other hand, the application of supporting principles (human rights) formulated by

³⁷ Malthuf Siroj, "Korupsi Dalam Perspektif Hukum Islam Dan Strategi Pemberantasannya," AL-IHKAM: Jurnal Hukum & Pranata Sosial 11, no. 2 (2017), <https://doi.org/10.19105/al-lhkam.v11i2.1038>; Firmansyah Firmansyah, "Korupsi Dalam Perspektif Filsafat Hukum Islam," Al-Amwal : Journal of Islamic Economic Law 2, no. 1 (2017), <https://doi.org/10.24256/alw.v2i1.599>.

³⁸ Samsul Arifin, "Menjadi Warga Negara Khaira Ummah Dengan Hidup Sehat Tanpa Korupsi," *Jurnal Konseling Religi* 9, no. 1 (2018).

³⁹ Finna Listiyani et al., "Analisis Yuridis Terhadap Tindak Pidana Korupsi Yang Merugikan Keuangan Negara (Studi Putusan Nomor: 17/PID.SUS-TPK/2016/PN.MDN)," *Scripta: Jurnal Ilmiah Mahasiswa* 2, no. 1 (2020), <https://doi.org/10.33019/scripta.v2i1.18>.

⁴⁰ Sumarni Alam, "Tinjauan Yuridis Atas Tindak Pidana Korupsi Dalam Praktek Di Indonesia," *Jurnal Hukum Replik* 5, no. 2 (2017), <https://doi.org/10.31000/jhr.v5i2.924>.

⁴¹ Nurcholish Madjid, *Indonesia Kita* (2nd edn, Gramedia Pustaka Utama 2004).

Nurcholish Madjid in the concept of good governance is linked to the *maqashid Shariah*, particularly the category of *hifd al-nafs* (preservation of life). This is because humans are considered the noblest beings and the highest creation of Allah. Therefore, it is the duty of implementers or state officials as responsible individuals within the community/state to preserve, safeguard, and protect life, as well as fulfill its fundamental rights.

Conclusion

Nurcholish Madjid was an Islamic scholar, intellectual, and thinker from Indonesia. He is renowned for his progressive and tolerant views in understanding Islam, as well as his efforts to promote inter-religious and inter-civilizational dialogue. He also spoke on the topic of governance systems. According to him, the foundation of good governance stems from the textual sources of the Qur'an and Hadith, alongside the method of maqasid al-shariah. Consequently, this remains relevant to real-life situations and provides guidance for future orientations. The principles of good governance have become the standard of assessment to determine the quality of governance, while in Nurcholish Madjid's vision, Islam encourages the application of reason. However, it rejects the view that reason is sufficient to meet human needs in their search for truth. Due to the application of reason, a new *ijtihad* emerged in the field of *maqashid syaria*, which draws the principles of Islamic governance from the Qur'an and Hadith to associate them with good governance. This innovative concept has since developed as a worldwide trend in government ethics. The researcher presents a comprehensive summary of twelve items comprising the principles of good governance as outlined by Nurcholish Madjid. These include the fundamental principle (tawhid), twelve supporting principles (justice, deliberation, trust, freedom, brotherhood, law enforcement, equality, effectiveness and efficiency, human rights, social supervision, and the principle of public accountability and *Khaliq*). Based on the findings in this research, it is recommended for future researchers to examine Nurcholish Madjid's thoughts in the context of local government in Indonesia. In this context, research can involve case studies from various regions or districts that try to apply Nurcholish Madjid's principles in local government management.

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