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An Analysis of Judicial Interpretation and the Contestation of Legal Worldviews (A Case Study of Decision No. 02/Pdt.G.S/2019/PA.Kdr)

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ABSTRACT

*The pluralism of Indonesia's civil law system necessitates an examination of the interpretive patterns and legal reasoning employed by judges in resolving Islamic economic disputes. This study aims to identify the tendencies and juridical reasoning structure of the judge through a case analysis of Decision Number 02/Pdt.G.S/2019/PA.Kdr. The research employs a juridical analysis using a case study approach focused on the judge's considerations and legal arguments. The findings show that the judge applies several methods of legal interpretation—primarily grammatical, systematic, and extensive interpretations—particularly in aspects of evidentiary assessment and the application of the simplified lawsuit mechanism. Various forms of legal logic are also employed: subsumptive logic to align factual circumstances with the provisions on breach of contract under Articles 36–37 of the Compilation of Islamic Economic Law (KHES); exclusionary logic in determining *verstek*; derogation logic in navigating the relationship between KHES and DSN-MUI fatwas; and non-contradiction logic to harmonize KHES with the Civil Code. The judge's reasoning demonstrates that the validity of the contract forms the primary basis for legal protection, while the validity of the *murābahah* contract, the elements of breach of contract, and their legal consequences reflect an integration of civil procedural law with Islamic legal principles. This integration serves as the foundation for achieving legal justice within the framework of Islamic economics.*

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INTRODUCTION

The pluralistic nature of Indonesia's civil law system presents unique complexities in the resolution of Islamic economic disputes. On the one hand, civil procedural law continues to rely on the HIR/RBg, which is rooted in the colonial legal tradition, while several norms governing ownership and property law remain anchored in the Civil Code (Kusmayanti et al., 2025). On the other hand, the Compilation of Islamic Economic Law (KHES) introduces a paradigm of economic justice grounded in the principles of *maqāṣid al-syarī'ah*. The epistemological tension between the national legal system and Islamic law generates interpretive challenges within the Religious Courts, particularly when judges confront the contestation between formal norms and substantive justice (Irianto, 2024).

Previous studies, such as Hasanuddin's (2025), highlight the ongoing contestation between Islamic legal sources and Western civil law in decisions related to Islamic economics (Hasanudin et al., 2024). Meanwhile, Makinara (2025) demonstrates that the legislative process of Islamic law in Aceh is marked by negotiations of power and ideology (Makinara et al., 2025). Cahyono (2025) further emphasizes conflict and control over property law within Indonesia's plural legal landscape (Cahyono et al., 2025). However, these studies have not addressed the interpretive practices of judges as the arena in which such normative contestation is operationalized.

This research seeks to fill that gap by examining the interpretive patterns and tendencies employed in Decision Number 02/Pdt.G.S/2019/PA.Kdr using a juridical analysis and case study approach. This focus is crucial because judges do not merely apply legal norms; they also act as epistemological mediators who balance KHES, the Civil Code, and DSN-MUI fatwas in the pursuit of Islamic economic justice.

The contestation between Western civil law and KHES reflects a deeper clash of worldviews between rationalist-positivistic and normative-theological orientations (Arifin et al., 2025). The civil law paradigm rooted in the Civil Code conceives law as a closed normative system that prioritises formal certainty, whereas KHES situates law within the framework of *maqāṣid al-syarī'ah*, with socio-economic justice as its normative axis (Irianto, 2024). This epistemic tension becomes evident when judges interpret Islamic economic disputes within a positive legal forum still influenced by colonial procedural structures, despite the inherently distributive justice demanded by Islamic economic principles.

Research on legal pluralism shows that legal contestation is both normative and epistemic. Rasyid's work reveals that such contestation emerges from interactions between local norms and Islamic principles, mediated through social mechanisms and traditional forms of dispute resolution. From a sociology of Islamic law perspective, plural legal systems tend to produce compromises between customary norms and Islamic law. This dynamic mirrors the relationship between KHES and the Civil Code within the Religious Courts, where judges function as epistemological mediators who reconcile formal and moral dimensions of law. Thus, legal contestation can be understood as an adaptive

process in which competing values interact within a pluralistic legal system (Rasyid et al., 2024).

Similarly, Muqtada's (2024) study on fiqh contestation in women's public leadership demonstrates that legal contestation encompasses normative, epistemic, and ideological dimensions. The reproduction of interpretations of Qur'anic and Hadith texts within socio-political contexts suggests that differences in legal interpretation form part of the broader social process of norm formation (Muqtada et al., 2024). In the context of Islamic economics, this explains why judges may adopt Western civil law reasoning—such as subsumption or exclusion—to justify decisions that ultimately align with Islamic principles of justice. Thus, legal contestation between Western and Islamic systems is inherently a process of hybridisation and negotiation of legal meaning (Isman, et al., 2025).

The work of Anshori and Abdurrahman (2023) on constitutional contestation surrounding the Islamic state concept during the 1956–1959 parliamentary debates shows that the tension between Islamic law and state law has long been a contentious constitutional issue, often constrained by political negotiation rather than juridical elaboration (Arifin et al., 2025). Yet, this study does not examine how such contestation manifests in judicial practice, particularly through interpretive methods employed by judges in Islamic economic cases.

Arifin (2025) further highlight ambiguities and contestations in constitutional legal standing arising from formalistic approaches to substantive justice. This mirrors the dynamics within the Religious Courts, where judges may still be bound by the formalism of Western civil law, even though Islamic economic disputes demand the realization of substantive justice. Nonetheless, this research is situated within constitutional law and does not address the specific demands of Islamic economic justice (Arifin et al., 2025).

Irianto (2024) shows that legal pluralism creates space for judicial innovation while simultaneously restricting judicial creativity due to the constraints of positive legal texts. This dilemma is analogous to the challenges faced by judges in applying KHES alongside the Civil Code. Yet, previous studies have not explicitly examined how judicial interpretive techniques and legal reasoning function as an arena of epistemic contestation between Western civil law and Islamic economic law (Caeiro, 2024).

Against this background, the conceptual framework of this study is built on the understanding that the contestation between Western civil law and KHES is not merely a normative conflict but a clash of worldviews between legal positivism and Islamic conceptions of justice (Setyawati & Isman, 2024). Within the Religious Courts, judges act as epistemological agents who bridge these systems through interpretive mechanisms (Biard, A, 2024). This contestation can be approached through three analytical layers: the pluralistic legal structure (HIR/RBg, the Civil Code, and KHES); the judicial legal culture that seeks to balance certainty and justice; and the substantive demands of *maqāṣid al-syarī'ah* within

the framework of positive law. Thus, legal pluralism should not be viewed merely as an obstacle, but as a productive space for dialectical engagement toward a more integrative legal system that realises substantive justice in Islamic economic dispute resolution (Sudarman, 2025).

This research offers novelty by positioning judicial interpretation as the epistemic arena in which Western civil law and Islamic economic law encounter and negotiate one another—an aspect overlooked in previous studies. Its contribution lies in identifying how legal logics such as subsumption, exclusion, derogation, and non-contradiction operate within Islamic economic rulings, and in mapping the mechanisms through which judges harmonise KHES, the Civil Code, HIR/RBg, and DSN-MUI fatwas. Through a hermeneutic-judicial approach, this study constructs a new analytical framework that explains the judge's role as an epistemological agent operating within a plural legal system.

LITERATURE REVIEW

Previous research on legal pluralism and epistemic contestation in Indonesia's legal system has shown that the interaction between Islamic law, Western civil law, and national law produces a complex interpretive landscape. Several scholars have examined this intersection from various methodological perspectives. Hasanudin et al. (2024) explored the ongoing contestation between Islamic legal sources and Western civil law in Islamic economic decisions rendered by the Religious Courts. Their findings indicate that judges often serve as epistemological mediators between two competing legal systems (Hasanudin et al., 2024). While their study focuses on the macro-contestation of legal sources, this study narrows the focus to the micro level by analyzing how such contestation materializes within judicial interpretation and reasoning in a specific court decision.

Similarly, Makinara et al. (2025) highlighted that the process of legislating Islamic law in Aceh was deeply influenced by political negotiation and ideological struggle. Their research demonstrates that Islamic legal development is inseparable from socio-political contexts that shape its formulation and implementation. In contrast, the current study situates the negotiation not at the legislative but at the judicial level, examining how such ideological and normative tensions are operationalized in the interpretive practices of judges. Thus, it expands the understanding of legal contestation from political negotiation to epistemic interpretation within the judiciary (Makinara et al., 2025).

In another relevant contribution, Cahyono et al. (2025) discussed how pluralism in Indonesia's property and ownership law creates structural conflicts between state control and individual rights, often resulting in tension between formal legal certainty and substantive justice. Their study underscores the dilemmas inherent in Indonesia's dual legal structure. Building upon this, the present research extends the analysis to Islamic economic law, illustrating how the same tension persists when judges must balance the procedural formalism of Western civil law (KUHPerdara, HIR/RBg) with the substantive justice principles

of *maqāṣid al-sharī'ah* embedded in the *Kompilasi Hukum Ekonomi Syariah (KHES)* (Cahyono et al., 2025).

Irianto (2024) offers an important theoretical foundation by asserting that legal pluralism simultaneously enables and constrains judicial creativity. While pluralism allows judges to innovate interpretively, it also confines them within the textual rigidity of positive law. This duality is evident in this study, where judges utilize systematic and extensive interpretation to bridge KHES and civil law provisions, yet remain limited by the procedural boundaries of the colonial legal system. The tension between innovation and constraint becomes a defining feature of judicial interpretation in Indonesia's plural legal order (Irianto, 2024).

From a broader epistemic perspective, Muqtada et al. (2024) examined the contestation of *fiqh* in women's public leadership, arguing that legal interpretation is shaped by normative, epistemic, and ideological forces. Their findings affirm that interpretive differences are part of a dynamic process of social reproduction of legal meaning. Drawing on this insight, the present study conceptualizes judicial interpretation as an epistemic arena where Western rational-positivist reasoning interacts with Islamic moral-normative logic. Unlike previous studies, it positions the judge not merely as a legal technician but as an epistemological agent who negotiates meaning between two worldviews within Indonesia's plural legal system (Muqtada et al., 2024).

In summary, prior research has extensively addressed the contestation between Islamic and Western legal paradigms from constitutional, political, and sociological perspectives. However, few studies have examined how this contestation is manifested through judicial interpretation and reasoning in Islamic economic adjudication. The novelty of this study lies in situating judicial interpretation as an epistemic site where legal positivism and *maqāṣid al-sharī'ah*-based justice converge, thereby constructing a new analytical framework that identifies judges as mediators of legal worldviews within Indonesia's pluralistic judicial structure.

METHOD

This study employs a juridical analysis method, positioning the judge's decision as the primary object of examination. Through this method, the research not only investigates the applicable legal norms but also explores how the judge interprets and operationalizes these norms in the decision-making process. A case study approach is adopted by focusing on Decision Number 02/Pdt.G.S/2019/PA.Kdr to reveal patterns and tendencies in the judge's legal reasoning in resolving Islamic economic disputes (Caeiro, 2024).

In analysing the decision, this research applies a statutory approach to trace the normative relationship between the KHES, the Indonesian Civil Code (KUHPerdata), HIR/RBg, and DSN-MUI fatwas. This is complemented by a conceptual approach that draws upon theories of legal pluralism, epistemic contestation, legal positivism, and *maqāṣid al-sharī'ah* to clarify the interpretive

framework used in understanding the judge's arguments. Additionally, a juridical-hermeneutic approach is employed to interpret the structure of the judge's reasoning, enabling a deeper identification of interpretive techniques—such as grammatical, systematic, and extensive interpretation—and legal logic forms, including subsumption, exclusion, derogation, and non-contradiction.

The data for this study were obtained through document analysis, consisting of court decisions as primary data and academic literature, journals, regulations, and fatwas as secondary data. All data were analysed using an interpretive and descriptive-analytical method, aimed at explaining how the judge connects KHES, the Civil Code, and civil procedural law within the framework of a pluralistic legal system. A comparative analysis was also conducted to understand the position of the judge's legal reasoning within the contestation between Western civil law and Islamic economic law. Through this methodological approach, the study seeks to uncover judicial interpretive practices in religious courts as an arena of epistemic dialectics that brings together formal legal certainty and substantive justice grounded in Islamic principles.

RESULTS & DISCUSSION

Juridical Analysis of Judicial Interpretation and Reasoning

Based on the examined object—Decision No. 02/Pdt.G.S/2019/PA.Kdr—the judge's legal worldview reveals a dual orientation that negotiates between Western legal rationality and the substantive justice of Islamic law. The judgment demonstrates the use of grammatical interpretation to secure legal certainty through textual precision (as seen in Article 181 HIR and the concept of *verstek*), alongside systematic and extensive interpretation to connect the norms contained in the KHES with Supreme Court regulations. This pattern reflects an epistemic effort to bridge the closed legal system of the Civil Code with the *maqāṣid*-based justice system of the KHES. The judge does not reject Western legal formalism but expands it so that it remains compatible with *syariah* norms that demand distributive justice, particularly in cases of *wanprestasi* (Muqorobin & Alafianta, 2023).

From the perspective of subsumptive and derogative logic, the judge positions the Civil Code as a rational-procedural instrument, while the KHES serves as a substantive norm ensuring economic justice. Subsumption functions to align the factual elements of *wanprestasi* with relevant legal norms, while derogation prioritizes specific *syariah*-based norms over more general Western civil law. This worldview frames the judge as an epistemological mediator who integrates legal rationality with *syariah* values, rather than merely applying the textual law (Rasyid et al., 2024).

The systematic-extensive approach indicates that the judge interprets law not through dichotomy but through dialectics. Positive law texts are subordinated to the moral aims of *syariah* without losing their formal legitimacy. Thus, the contestation between the Civil Code and the KHES does not result in

normative conflict but becomes an epistemic interaction that produces substantive justice through *maqāṣid*-compliant formal reasoning. In this sense, the judge's worldview serves as a mechanism that balances certainty with public welfare (Zaman, 2024).

The decision illustrates that the judge operates not only within procedural logic but also within a broader context of legal pluralism. Systematic–extensive interpretation enables the judge to link colonial legal structures (HIR, Civil Code) with contemporary Islamic legal structures (KHES), reflecting the sociology of Islamic law argument that interactions among local norms, custom, and *syariah* produce socio-judicial compromise. The judge thus functions as an agent translating this pluralism into normative outcomes (Irianto, 2024).

The use of derogative and non-contradiction logic shows that the judge selects the most relevant norms—KHES as the specific norm—while maintaining the validity of the general norm—the Civil Code. The judge acts as an epistemological mediator managing the tensions between formal and moral law. The continued reference to DSN–MUI fatwas and *maqāṣid al-sharī'ah* principles in determining contractual justice demonstrates that juridical reasoning is accompanied by value consciousness. This affirms that legal contestation in the religious courts is sociological and adaptive, rather than antagonistic (Isman, et al., 2025).

In sum, the judgment supports the conceptual argument that legal pluralism generates value-mediating mechanisms. The judge does not invalidate Western law but recontextualizes it within a *syariah* framework. Thus, Indonesia's pluralistic legal system becomes not an obstacle but an intertextual space for producing substantive justice through socio-normative processes within the religious courts (Irianto, 2024).

When analysed alongside Muqtada's (2024) research—which argues that legal contestation is normative, epistemic, and ideological—the judgment confirms all three dimensions. The normative dimension appears in grammatical-subsumptive methods; the epistemic in systematic-extensive interpretation; and the ideological in the judge's *maqāṣid*-oriented orientation. The judge adopts Western subsumptive logic for formal validation while directing the substance toward Islamic justice, producing an epistemic hybridization in which Western form is retained but infused with *syariah* moral content (Muqtada et al., 2024).

Accordingly, the judge maintains *verstek*—a Western procedural product—for procedural efficiency, yet the substance of the ruling upholds the principles of *'adl* and *maṣlaḥah*. This confirms Muqtada's thesis that legal interpretation is never neutral but always shaped by sociological and ideological contexts. The judge uses interpretive space to negotiate legal meaning so that it aligns with Islamic visions of economic justice (Muqtada et al., 2024).

Grammatical and systematic-extensive interpretation thus evidences an epistemic negotiation between Western legal rationality and *syariah* morality. The judge acts as an ideological translator maintaining the continuity of positive law formalism while realizing substantive Islamic justice. Consequently, legal

contestation in this case is part of the dynamic production of hybrid legal knowledge shaped by the social and epistemic environment of the religious courts (Tampubolon et al., 2025).

When analyzed in light of the findings of Anshori and Abdurrahman (2023), who highlight that the contestation between Islamic law and state law during the Constituent Assembly era was predominantly political and had not yet reached the level of juridical practice (Hasanudin et al., 2024). the Judge's Decision in fact reveals the practical dimension of this contestation through the way the judge interprets and applies the KHES within the domain of positive law. The use of derogation against the Civil Code (KUHPerdata) demonstrates that the ideological contestation, once political in nature, has now shifted into the sphere of juridical hermeneutics, as the judge becomes a site for the reproduction and negotiation of Islamic legal norms within the state legal system (Isman, et al., 2025).

The judge in this case practices pragmatic constitutionalism by applying syariah norms within the framework of national law. Systematic–extensive interpretation becomes the mechanism for incorporating Islamic norms without departing from the formal legal structure of the state. Thus, political-legislative contestation has transformed into interpretive-judicial contestation within the religious courts, demonstrating that judges function as micro-constitutional actors who operationalize ideological compromises through legal interpretation.

In relation to Arifin's (2025) argument on the ambiguity of legal standing caused by formalism, the judgment reveals a similar pattern. The judge confronts the tension between Western legal formalism, which demands certainty, and syariah values, which demand substantive justice. Through systematic–extensive interpretation, the judge avoids the trap of strict formalism by linking KHES, HIR, and Supreme Court regulations, reflecting an orientation toward integrative legal reasoning rather than mere formalism (Arifin et al., 2025).

Furthermore, the use of non-contradiction logic shows that the judge strives to maintain coherence in the legal system without sacrificing justice. Although the judge adopts *verstek* and subsumptive logic (Western products), *maqāṣid* considerations remain central in determining the consequences of *wanprestasi*. This illustrates that the judge upholds procedure while simultaneously pursuing substantive justice as a basis for the legitimacy of syariah-based rulings (Dönmez, 2022).

Considering Irianto's (2024) claim that legal pluralism enables but also limits judicial creativity, the judgment supports this argument. The judge uses two dominant interpretive models—grammatical and systematic-extensive—showing both innovative space and textual constraints. When referring to Article 181 HIR, the judge remains bound to positive law, but when extending its meaning through KHES and DSN–MUI fatwas, the judge exercises creative space within legal pluralism (Irianto, 2024).

The use of derogation and *taḥqīq al-manāṭ* demonstrates negotiation between normative constraint and hermeneutic freedom. By applying *maqāṣid al-*

sharī'ah as a basis for justice, the judge uses the flexibility of pluralism to achieve substantive ends without violating positive law. Yet limits remain: analogical or historical interpretation cannot be freely used due to the formal constraints of the legal system (Dönmez, 2022).

In this decision, the judge operates between two poles—the moral innovation of syariah and the disciplinary structure of Western law—producing a dialectic of authority and creativity. Pluralism here becomes not merely a social structure but an epistemic space for transforming legal thinking in the religious courts (Irianto, 2024).

Finally, in relation to Setyawati & Isman (2024) and Biard (2024), who argue that the contestation between KHES and the Civil Code reflects a deeper conflict of worldview between legal positivism and syariah-based justice, the judgment provides empirical confirmation. Grammatical interpretation represents positivist formalism, while systematic-extensive interpretation reflects the orientation toward syariah's substantive justice. The judge reconciles these through derogation and non-contradiction logic, ensuring that syariah norms apply without undermining the integrity of the national legal system (Setyawati & Isman, 2024).

Operating within multiple layers regulatory pluralism (HIR, Civil Code, KHES), legal culture, and substantive norms the judge integrates maqāsid al-sharī'ah into procedural legal reasoning. These layers reveal the judge not as a passive interpreter but as an epistemological agent mediating paradigmatic conflicts between Western law and Islam. Through layered reasoning subsumption, derogation, and non-contradiction the judge produces an integrative legal consciousness in which positivism is not rejected but infused with maqāsid, characterizing the hybrid legal reasoning of Indonesia's Islamic economic judiciary.

Types of Judicial Interpretation (Candara 12)

Based on the judge's reasoning in Decision No. 02/Pdt.G.S/2019/PA.Kdr, two primary interpretive methods are applied: grammatical interpretation and systematic–extensive interpretation, both of which guide the judge in determining the most appropriate legal basis for the case (Ismail, 2024).

Grammatical interpretation, The judge employs grammatical interpretation to understand legal norms strictly in accordance with the textual wording of the relevant provisions (Ratnawati, 2023). This is evident in the judge's conclusion that the defendant's absence at trial despite having been legally and properly summoned justifies the issuance of a *verstek* decision (Yuni et al., 2023). The judge reasoned that the defendant is deemed to have acknowledged the plaintiff's claims pursuant to the explicit rules of civil procedure (HIR/Article 181 HIR) (Mahkamah Agung, 2019). This constitutes grammatical interpretation because the judge relies directly on the wording of the legal provision without adding meaning beyond the text (Gurusi, 2024).

Systematic–extensive interpretation, In addition to interpreting the law textually, the judge also uses systematic extensive interpretation, which involves examining the relationship between one legal norm and others within the broader legal system (Saepullah, 2022). For instance, the judge does not rely solely on the provisions concerning wanprestasi in a murabahah contract but links these rules with other instruments, such as Article 20 of Supreme Court Regulation No. 2 of 2015 on the Procedure for Small Claims Court (Mahkamah Agung, 2019).

The judge considered the case to fall under the category of a small claims dispute in Islamic economic law. Consequently, greater weight was given to the plaintiff's documentary evidence (Exhibits P.1 to P.11), while the absence of the defendant was treated as diminishing the evidentiary value of his objections (Mahkamah Agung, 2019). This reflects systematic–extensive interpretation, as the judge expands the meaning of a legal rule by considering the relevance of other procedural and Islamic economic norms (Moechthar, 2024).

The combination of these two interpretative approaches enables the judge to ensure that the decision remains grounded in valid legal texts (grammatical interpretation) while also accounting for the interrelationship of relevant legal norms (systematic–extensive interpretation). For example, the judge interprets the rules on wanprestasi in a murabahah contract not only through the Civil Code but also by referring to the Compilation of Islamic Economic Law and Supreme Court Regulations to justify deciding a small claims case based primarily on written evidence (Haykal, 2025).

The judge does not limit interpretation to provisions that explicitly regulate wanprestasi but also extends it by imposing additional legal consequences, such as the obligation to surrender fiduciary collateral if the defendant fails to settle the outstanding debt. This demonstrates an understanding that a contract involves not only the obligation to repay but also other legal consequences that must be interpreted within a broader legal context (Ratnawati, 2023).

Based on the overall reasoning, it can be concluded that the judge consistently applies grammatical and systematic–extensive interpretation in establishing the legal basis of the ruling. The judge does not employ analogical interpretation, as there is no comparison to similar cases, nor historical interpretation, as the reasoning does not refer to the background of the legal norms. Thus, the two dominant interpretive models used in this decision are grammatical and systematic–extensive interpretation, applied concurrently to ensure justice in the case.

Types of Judicial Reasoning Logic

In the legal considerations of Decision No. 02/Pdt.G.S/2019/PA.Kdr, the judge employs several models of legal reasoning, namely the logic of subsumption, exclusion, derogation, and non-contradiction (Mahkamah Agung, 2019).

Subsumption logic, the judge applies subsumption logic by matching the legally proven facts with the relevant legal norms. In this ruling, the judge concludes that the Defendant committed a breach of contract (*wanprestasi*) under the Murabahah Agreement, in accordance with the definition of breach of contract stipulated in Articles 36 and 37 of the Compilation of Sharia Economic Law (Mahkamah Agung RI, 2011). The fact that the Defendant failed to fulfil his obligations for six months after the contract was concluded even after receiving three warning letters and a formal notice was subsumed as a legally valid contractual violation (Mahkamah Agung, 2019).

Exclusion logic, the judge adopts exclusion logic by disregarding the Defendant's absence and proceeding with the trial under the *verstek* mechanism. This reflects the use of exclusion logic, in which the absence of the Defendant does not impede the examination of the case nor the issuance of a decision. The judge also excludes the need for additional evidence from the Plaintiff, because under Article 181 of the HIR, in *verstek* proceedings the plaintiff's claims are deemed admitted insofar as they are not contrary to law and the written evidence submitted meets procedural requirements (Mahkamah Agung, 2019).

Derogation logic is applied when the judge prioritises specific norms in sharia economic law over more general provisions in the Civil Code. The judge explicitly refers to Supreme Court Regulation No. 2 of 2015 on the settlement of small claims as a basis for expediting the dispute resolution process. The judge also employs DSN–MUI fatwas as a normative guide to determine the validity of the Murabahah Agreement and the imposition of penalties for late payment by the Defendant (Mahkamah Agung, 2019).

Non-contradiction logic, the judge ensures that all legal considerations do not contradict the overarching legal principles. In this case, the judge harmonises the Compilation of Sharia Economic Law, the Civil Code, Supreme Court Regulations, and civil procedural law to maintain consistency. The judge, for example, affirms that the Murabahah contract is legally valid while simultaneously establishing that a breach of contract has occurred, without creating internal inconsistencies (Mahkamah Agung, 2019).

Taken together, these forms of legal logic ensure that the judgment is fair and grounded in applicable legal norms. Subsumption connects facts to norms; exclusion operates through *verstek* and the omission of additional proof; derogation prioritises sharia economic law and Supreme Court regulations; and non-contradiction maintains systemic coherence. Through these approaches, the judge constructs a strong legal argument to grant the Plaintiff's claim and order the Defendant to settle his obligations or surrender the agreed collateral. The decision reflects how judicial reasoning is systematically applied to achieve a fair judgment that aligns with the governing legal principles (Mahkamah Agung, 2019).

A closer reading of the legal considerations shows that the judge applies several essential factors as *'illat* or *ratio decidendi* to ensure that legal norms are applied pertinently to the dispute at hand. These include the validity of the

contract as the basis of legal protection, the validity of the Murabahah Agreement, the presence of breach of contract, the legal consequences arising from such breach, and the application of civil procedural law and sharia law.

First, the judge determines that the Defendant was duly and properly summoned to court, yet failed to appear without lawful justification. Therefore, the case is decided *verstek*, consistent with Article 125 of the HIR, which states that if the defendant fails to attend without valid grounds, the plaintiff's claims are deemed uncontested and legally acknowledged. Second, the judge confirms the validity of the Murabahah Agreement between the Plaintiff and the Defendant, supported by written evidence (P.1–P.11) (Mahkamah Agung, 2019). The contract fulfils the principles of sharia economic law, including offer and acceptance, a clear object of transaction, payment obligations, and fiduciary collateral to ensure transactional stability. Third, breach of contract is established by the fact that the Defendant only fulfilled payment obligations during the first three months, and then ceased payment despite three warning letters and a formal notice. This demonstrates a clear violation of the contract (Mahkamah Agung, 2019).

Regarding the legal consequences of breach, the judge determines the Plaintiff's total loss to be IDR 43,232,000, comprising IDR 34,400,000 in principal and IDR 8,832,000 in late-payment penalties. The judge further rules that if the Defendant cannot settle the debt, the fiduciary collateral in the form of a four-wheeled vehicle may be executed (Mahkamah Agung, 2019). In enforcing the law, the judge relies on Supreme Court Regulation No. 2 of 2015 on small-claims settlement and the principles of contractual justice in sharia economic law. This ruling aligns with the objectives of *maqāṣid al-sharī'ah*, particularly the pursuit of justice and transactional balance (Mahkamah Agung, 2019).

Based on the analysis above, the method used by the judge to determine the essential legal factors reflects *takhrij al-manāt*, namely deriving specific legal rulings from universal legal maxims (*al-qawā'id al-kulliyah*). This is shown through the application of several legal maxims:

”العَقْدُ شَرِيْعَةُ الْمُتَعَاقِدِيْنَ مَا لَمْ يَكُنْ فِيْهِ مَا يَمْتَعُهُ الشَّرْعُ”

(“A contract is binding upon its parties unless it violates the Sharia”), which confirms the binding force of the valid Murabahah Agreement.

”الْبَيِّنَةُ عَلَى الْمُدْعِيِّ وَالْبَيْمِئُ عَلَى مَنْ أَنْكَرَ”

(“The burden of proof lies on the claimant, and an oath is required from the one who denies”), which validates the adequacy of the Plaintiff's written evidence.

”إِذَا سَكَتَ عَنِ انْكَارِ الدَّعْوَى يُعْتَبَرُ مُقَرَّرًا بِهِ”

(“Silence in the face of a claim is considered an admission”), relevant to the *verstek* judgment.

”الضَّمَّانُ يَتَّبِعُ الْأَصْلَ”

(“Collateral follows the principal obligation”),
which legitimises the execution of the fiduciary guarantee.

In conclusion, the judge in this case seeks to apply the principles of *maqāṣid al-sharī‘ah* in achieving justice within commercial transactions. This is reflected in the emphasis on contractual binding force, the validity of evidence, legal recognition of the defendant’s absence, and the execution of collateral as a mechanism for resolving breach of contract and restoring the rights of the aggrieved party.

Another essential factor that served as a primary parameter for the judge in granting the Plaintiff’s claim was the presence of written evidence that substantiated the allegation of breach. This included proof of the Murabahah contract (P.3), evidence that the Defendant had received financing for business capital (P.2), proof that the Defendant fulfilled payment obligations only during the first three months and subsequently ceased all payments (P.5), evidence that the Defendant had been issued three warning letters and summonses but failed to demonstrate any willingness to settle the outstanding obligation (P.6, P.7, P.8, and P.9), and proof of fiduciary collateral in the form of a four-wheeled vehicle submitted by the Defendant as security for the loan (P.4 and P.11) (Mahkamah Agung, 2019).

The judge also applies the method of *taḥqīq al-manāṭ* by verifying whether the ‘illat of breach of contract and Murabahah rules truly occurred in the concrete case. The written evidence presented by the Plaintiff is examined in relation to the facts established at trial, forming a solid basis for determining that breach of contract occurred and that the claim should be granted. Evidence of *taḥqīq al-manāṭ* appears in the judge’s explicit statement that despite the Defendant’s absence, the claim could not be granted without adequate proof. The Plaintiff was still required to present written evidence demonstrating the existence and violation of the Murabahah Agreement. Thus, the judge conducts a thorough verification of the relationship between legal norms and factual circumstances before issuing the decision (Mahkamah Agung, 2019).

Critical Analysis

Unlike previous studies that emphasise the need for balance between legal textualism and substantive justice in resolving Islamic economic disputes, the reasoning in Decision No. 02/Pdt.G.S/2019/PA.Kdr demonstrates the use of systematic–extensive interpretation within a multi-layered interpretive framework, but without a clear hierarchy between these layers. (Mahkamah Agung, 2019). When legal texts allow multiple interpretations, the judge does not explicitly establish whether sharia norms take precedence over national positive law (Álvarez-Ramos, 2024). This stands in contrast to the hermeneutic approach in Islamic legal theory, which requires identifying the primary layer of interpretation (*marātib al-tafsīr*). As a result, the overlapping interpretive layers

generate legal ambiguity between adherence to statutory wording and the pursuit of sharia-based substantive justice.

From the perspective of legal reasoning, the judge's use of subsumption logic aligns with civil-law deductive patterns but fails to capture the distinctive character of Islamic economic law, which requires *istinbāṭ*-based reasoning and considerations of *maṣlaḥah* (Komath, 2024). The fact of breach of contract is subsumed merely under Articles 36 and 37 of the Compilation of Sharia Economic Law without ethical reasoning regarding the causes of default or consideration of *ta'āwun* (mutual assistance), which is central to *murabahah*-based transactions. Yet, Saepullah (2022) asserts that legal reasoning in sharia contexts must account for intention, economic circumstances, and social responsibility—not only formal contractual violations (Saepullah, 2022).

The application of exclusion logic in *verstek* proceedings also requires clearer guidelines to prevent inconsistent obscuring of legal meaning. The judge eliminates the need for additional evidence and accepts the Plaintiff's claims automatically, even though the doctrinal framework of procedural justice in KHES mandates that *al-bayyinah 'alā al-mudda'ī* (the burden of proof rests upon the claimant) remains applicable (Taroni, 2022). Such reasoning risks producing legal uncertainty by blurring the line between formal truth and substantive truth (Blockx, J., 2022). When judicial efficiency in civil procedure is prioritised over the substantive justice orientation of sharia law, the normative foundation of Islamic justice becomes weakened (Semikhodskii, 2022).

Another inconsistency arises in the use of derogation logic. Although the judge prioritises the specific norms of KHES over the general norms of the Civil Code, he simultaneously uses non-contradiction logic to harmonise both systems. These two logics cannot operate consistently together: derogation requires setting aside general norms, while non-contradiction requires harmonisation. This epistemic tension suggests that the judge lacks a clear normative hierarchy for integrating two different legal systems, resulting in a reasoning structure that is layered but not systematic (Dönmez, 2022).

These inconsistencies in multi-layered interpretation and legal reasoning create the potential for legal uncertainty at the practical level. The judge appears to aim for justice by combining subsumption, derogation, and non-contradiction logic, yet this is done without a solid framework of internal consistency. This contradicts the orientation of contemporary research in Islamic economic law, which demands clarity in the structure of interpretation between text, context, and normative values (Cevolani, 2022). Consequently, the decision exemplifies a form of interpretive dissonance—a tension between textual compliance and the pursuit of substantive justice—which ultimately weakens the predictive power and normative stability of Islamic economic dispute resolution (Finnis, 2023).

CONCLUSION

In Decision No. 02/Pdt.G.S/2019/PA.Kdr, the judge adopts grammatical and systematic–extensive interpretation in an effort to balance the legal certainty of positive law (HIR, Civil Code) with the substantive justice values of sharia (KHES and maqāṣid al-sharī‘ah). This interpretive approach seeks to ensure adherence to statutory wording while remaining responsive to the moral and social objectives of Islamic law that underpin Islamic economic transactions. In terms of legal reasoning, the judge applies subsumption, derogation, and non-contradiction logic to link concrete facts to legal norms, prioritise KHES as a more specific norm over the Civil Code, and maintain coherence between regulatory frameworks. These models of reasoning reflect the pluralistic nature of the religious court system, which requires harmonising positive law and sharia law without negating either. Critically, this combination of interpretation and reasoning demonstrates both strength and weakness: strength in maintaining systemic legal integrity, but weakness in the absence of a firm epistemic hierarchy, which results in interpretive dissonance between formal texts and substantive values. From the standpoint of legal interpretation theory, this signals the emergence of a hybrid interpretive model that seeks convergence between positivism and maqāṣidic justice. Practically, the decision strengthens the precedent that religious-court judges can function as epistemological mediators who bridge Western legal rationality and Islamic legal morality to achieve substantive justice in Islamic economic cases.

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