

THESIS

**CONSTITUTIONALITY OF THE CONSTITUTIONAL COURT
DECISION NUMBER 90/PUU-XXI/2023 FROM THE
PERSPECTIVE OF CONSTITUTIONAL LAW AND *FIQH*
*SIYASAH DUSTURIYAH***



By:

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**COMPARATIVE SCHOOL OF JURISPRUDENCE AND LAW
DEPARTMENT**

FACULTY OF SYARI'AH

UNIVERSITY OF DARUSSALAM GONTOR

2025/1446

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SIYASAH DUSTURIYAH***

THESIS

*Presented to University of Darussalam Gontor In Partial Fulfillment of
Requirement for Bachelor Degree (S1) In the Comparative School of
Jurisprudence and Law Department, Faculty of Sharia University of
Darussalam Gontor*

By:

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NIM. 42. 2021. 313. 035

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UNIVERSITY OF DARUSSALAM GONTOR

2025/1446



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THE DECLARATION

I, hereby,

Name : Meutya Amalia
Registered Number : 42. 2021. 313. 035
Faculty : Sharia
Department : Comparative School of Jurisprudence and Law
The Title : Constitutionality Of The Constitutional Court
Decision Number 90/PUU-XXI/2023 From The
Perspective Of Constitutional Law And *Fiqh*
Siyasah Dusturiyah

I sincerely declare that this thesis originally belongs to my own work and not to other researchers for a different degree. Furthermore, this thesis is never published before, except for some parts with their original references.

Otherwise, if it is found that this thesis is plagiarism, I am ready to be ceased academically.

Unida, 23rd of Sya'ban 1446 H

22nd of February 2025 M

Researcher,



Meutya Amalia

NIM. 42.2021.313.035

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SUPERVISOR DECISION LETTER

Honorable to

Dean of Sharia Faculty

University of Darussalam Gontor

Bismillahirrahmanirrahim

Assalamua'alaikum Warahmatullah Wabaraktuh

I present this thesis written by

Name : Meutya Amalia
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Faculty : Sharia
Department : Comparative School of Jurisprudence And Law
Title : Constitutionality Of The Constitutional Court
Decision Number 90/PUU-XXI/2023 From The
Perspective Of Constitutional Law And *Fiqh Siyasah
Dusturiyah*

It has been processed and corrected to meet the practical requirement to obtain the Bachelor's Degree (S1) in the Comparative School of Jurisprudence And Law Department, Sharia Faculty University of Darussalam Gontor. Therefore, we hope this thesis could be examined.

Hopefully, this thesis will be useful for religion, nation, and the development of an educational institution

Wassalamu'alaikum Warahmatullahi Wabarakatuh

Unida, 17th of Rajab 1446 H

17th of January 2025 M

Supervisor,



Febrina Arif Wicaksana, S.H.I., M.H.

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DECISION OF THE TEAM

The committee of the thesis examination in partial fulfillment of the requirements for the degree of Licentiate in Comparative School of Jurisprudence And Law in the Faculty of Sharia, University of Darussalam Gontor, Indonesia, declared that the thesis written by:

Name : Meutya Amalia
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Has been examined by the board of examiners of the Bachelor's Degree (S1) on Department of Comparative School of Jurisprudence And Law Faculty of Sharia University of Darussalam Gontor on Tuesday, October 22, 2024

The board of examiners has decided to grant her pass in the thesis examination. Hence, she is eligible to be awarded the degree of Licentiate in Comparative School of Jurisprudence And Law in the Faculty of Sharia.

Board Examiner

Supervisor


Febrian Arif Wicaksana, S.H.I., M.H.
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1st Examiner


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2nd Examiner


Usamah Abdurrahman, S.H., M.A.
NIY.

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THESIS ACCEPTANCE LETTER

Bismillāhirrahmānirrahīm

Assalāmu'alaikum Wr. Wb.

The Faculty of Sharia, University of Darussalam Gontor Ponorogo, Indonesia has received a thesis written by:

Name : Meutya Amalia
Reg. Number : 422021313035
The Title : Constitutionality Of The Constitutional Court
Decision Number 90/PUU-XXI/2023 From The
Perspective Of Constitutional Law And *Fiqh Siyasaah
Dusturiyah*

In partial fulfillment of the requirement for the degree of Licentiate in Comparative School of Jurisprudence and Law Department in the Faculty of Sharia, academic year 1445-1446/2024-2025.

Wassalāmu'alaikum Wr. Wb.

Unida, 23rd of Sya'ban 1446 H

22nd of February 2025 M

Dean of Sharia Faculty



Assoc. Prof. Dr. Imam Kamaluddin, Lc., M.Hum.

NIY. 960125

MOTTO

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ ٱلْأَ

تَعْدِلُوا إِعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

"O you who believe, be ye upholders for the sake of Allah (and) witnesses (who act) justly. Let not your hatred of any people prompt you to be unjust. Be just, for that is nearer to piety. Fear Allah. Verily, Allah is exacting in what you do."

(Q.S. Al-Maidah (5): 8)

وَهُوَ مَعَكُمْ أَيْنَ مَا كُنْتُمْ

"And He (Allah) is with you wherever you are."

(Q.S. Al-Hadid (57): 4)

"Know the truth, then you will know the right person. Righteousness is not measured by its people, but people are measured by righteousness."

(Ali bin Abi Thalib)

"Do not overdo the love so that it becomes an attachment, nor overdo the hate so that it brings destruction."

(Umar Bin Khattab)

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DEDICATION

I dedicated this thesis to the following:

My beloved parents, my dad (Chaeruddin), my mom (Normawati), and my little sister (Azzahra), for our beloved country Indonesia, with their love and support, I could survive every single moment of my life.



ACKNOWLEDGMENT

Alhamdulillah Robbil'Alamiin. Foremost, all praise to Almighty Allah SWT, The Lord of the Universe, for the gracious mercy and tremendous blessing that enables me to accomplish this humble thesis. Pray and peace are upon the Last Prophet Muhammad, Peace being Upon his family, companions, and entire followers. Special thanks to:

1. The Head Masters of Modern Islamic Boarding School Darussalam Gontor, K.H. Hasan Abdullah Sahal, Drs. K.H. Muhammad Akrim Mariyat, Dipl.A.Ed., Prof. Dr. K.H. Amal Fathullah Zarkasyi, M.A, who has allowed the researcher to study at the University of Darussalam Gontor.
2. The Rectors of University of Darussalam Gontor: Prof Dr. KH Hamid Fahmy Zarkasyi, M.Ed., M.Phil., Dr. H. Abdul Hafidz Zaid, M.A., Dr. Setiawan bin Lahuri, M.A., Dr. Khoirul Umam, M.Ec., Dr. Royyan Ramdhani Djayusman, M.A.
3. Dear Assoc. Prof. Dr. Imam Kamaluddin, Lc., M.Hum., the Dean of Faculty of Sharia, University of Darussalam Gontor, for providing me with the necessary academic facilities and resources to complete this thesis.
4. Dear Mr. Saipul Nasution, S.H.I., M.A., Ph.D., the Head of the Department of Comparative School of Jurisprudence and Law, University of Darussalam Gontor Ponorogo, for providing me with the necessary academic facilities and resources to complete this thesis.
5. All the lecturers at the University of Darussalam Gontor for their valuable education and guidance throughout my period as a researcher.
6. Esteemed supervisor, Mr. Febrian Arif Wicaksana, S.H.I., M.H., **for his invaluable guidance and support throughout the thesis process.** His dedication to my success, willingness to provide constructive feedback, and patience in answering my questions have been instrumental in the completion of this thesis.
7. **My dear friends, the Virtuous Generation, thank you for your unwavering support and encouragement throughout this journey.** Your

presence in my life has been a constant source of strength and inspiration. May we all continue to live our lives according to the guidance of Allah SWT and seek His protection.

8. To all my friends, the Class Comparative School of Jurisprudence and Law Department, **for your unwavering support and encouragement throughout this journey.** Your presence in my life has been a constant source of strength and inspiration. May we all continue to live our lives according to the guidance of Allah SWT and seek His protection.
9. Many thanks to my roommates in Student Council **for their unwavering support, blessings, and prayers.** Your presence in my life has been invaluable, and I am truly grateful for your friendship and encouragement.
10. May this humble thesis be valuable and useful to readers, particularly for *Dien*, the writer and researcher. *Aamiin.*

Ponorogo, 23rd of Sya'ban 1446 H

22nd of February 2025 M

Sincerely yours,



Meutya Amalia

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