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Legal Politics: Between the Reform and the Transformation of Islamic Family Law

Rika Diana Siregar*

Universitas Islam Negeri Syekh Ali Hasan Ahmad Addary Padangsidimpuan email: rika72752@gmail.com.

Abstract

This research discusses the dynamics of legal politics in the context of Islamic family law reform and transformation. The main focus of this study is how the direction and pattern of changes in Islamic family law are influenced by state policies, social pressures, and responses to the demands of modernity and gender justice. Using a juridical-normative approach and qualitative analysis of legal documents, public policy, and academic discourse, this study identifies two main trends: reform as a normative renewal within the existing legal framework, and transformation as a more profound paradigm shift towards the structure and basic values of Islamic family law This study finds that there are variations in models in the excavation, practice and reform of family law in the world Islam. Variations were also found when the Islamic world carried out the process of transforming family law into national law. The impact of the reform and transformation of family law in Indonesia is that the classical fiqh books that were originally used as the main reference and considered sacred, have lost their sacredness. However, the reform and transformation of family law in Indonesia has not reduced the independence of religious judges in exploring and finding more contextual Islamic law. This research is expected to make a conceptual contribution in formulating a political and legal direction that is responsive, fair, and rooted in progressive Islamic values.

Keywords: Legal Politics; Reform; Transformation

Abstrak

Penelitian ini membahas dinamika politik hukum dalam konteks reformasi dan transformasi hukum keluarga Islam. Fokus utama kajian ini adalah bagaimana arah dan corak perubahan hukum keluarga Islam dipengaruhi oleh kebijakan negara, tekanan sosial, serta respons terhadap tuntutan modernitas dan keadilan gender. Dengan menggunakan pendekatan yuridis-normatif dan analisis kualitatif terhadap dokumen hukum, kebijakan publik, serta wacana akademik, penelitian ini mengidentifikasi dua kecenderungan utama: reformasi sebagai pembaruan normatif dalam kerangka hukum yang ada, dan transformasi sebagai pergeseran paradigma yang lebih mendalam terhadap struktur dan nilai-nilai dasar hukum keluarga Islam Penelitian ini menemukan adanya variasi model dalam penggalian, pengamalan dan reformasi hukum keluarga di dunia Islam. Variasi juga dijumpai pada saat dunia Islam melakukan proses transformasi hukum keluarga kedalam hukum nasional. Dampak dari reformasi dan transformasi hukum keluarga di Indonesia adalah bahwa kitab-kitan fiqh klasik yang semula dijadikan rujukan utama dan dianggap sakral, telah kehilangan kesakralannya. Akan tetapi reformasi dan transformasi hukum keluarga di Indonesia tidak mengurangi kemandirian hakim agama dalam menggali dan menemukan hukum Islam yang lebih kontekstual. Penelitian ini diharapkan dapat memberikan kontribusi konseptual dalam merumuskan arah politik hukum yang responsif, adil, dan berakar pada nilai-nilai keislaman yang

Kata Kunci: Politik Hukum; Reformasi; Transformasi

^{*}Corresponding author

Introduction

Change is a law of nature so that in this world there is basically nothing eternal and eternal, everything changes.¹ Similarly, Islamic law, although this law contains a sacral content because it is believed to come from God, the way Muslims understand it and the methods used to explore it are constantly evolving in line with the changing times.² This development and change was realized by the Prophet Muhammad PBUH from the beginning.³ Therefore, it is natural that in Islamic law there are rules of legal change that occur due to changes in time and space. However, so that this change is not wild and remains under control, scholars have formulated a number of principles, rules and goals of Islamic law itself, so that the changes do not go out of the goals to be achieved by Islamic law.

In addition to having a number of principles, Islamic law also has a purpose.⁴ Family Law in Islam exists with the aim of protecting three basic human rights, namely: property rights, the right to life and the right to obtain offspring/self-respect. In the history of Islam, although family law is the most strongly practiced law, this does not mean that it is immune from the demands of change in dealing with problems arising from the development of the times.⁵ Today, no less than thirteen issues related to family law have arisen in the Islamic world.

The problem arises not only because of the demands of changing times, but also because of the efforts of unification, codification and legislation or qanunization of Islamic law in a number of Muslim countries as a result of the influence of the civil law system.⁶ In its long history, Islamic law is actually not the same as the legal system that has developed in countries adhering to civil law or common law.⁷ Islamic law is the third system known as jurisprudence. Because it was compiled and developed by private specialists, not by the

¹ Dastagiri MB, "GOD S NATURE, POWERS, LAWS, SCIENCE PERFORMED: THEOLOGICAL, PHILOSOPHICAL, SCIENTIFIC RESEARCH," *International Journal of Theology, Philosophy and Science* 8, no. 15 (2024): 5–19.

² Kaif Hasan dkk., "Rethinking the conundrum of law and morality: Islamic law between popular sovereignty and God's sovereignty," *Manchester Journal of International Economic Law* 1 (2024), https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jispil20§ion=5.

³ Syed Iftikhar Ali Gilani dan Pakistan Khaliq Ahmad, "Prophet Muhammad (saw): A Catalyst for the Advancement of Civilization," *ISLAM, SCIENCE, AND SUSTAINABILITY* 59, 2024, 285.

⁴ Dwi Asmoro dan Ade Saptomo, "Islamic Law in the Development of Indonesian Law," *Riwayat: Educational Journal of History and Humanities* 7, no. 1 (2024): 138–47.

⁵ Budi Sastra Panjaitan dkk., "Revitalizing Sharia Advocates: Reforming the Law on Advocates in Strengthening the Role of Islamic Law in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (2024): 485–504.

⁶ Mohamed Aidarus Noor, *Becoming a Canon: Texts, Community and Authority in the Canonization of Minhāj al-ṭālibīn wa-ʿumdat al-muftīn on the Swahili Coast, 1856-1963 CE,* The University of Bergen, 2025, https://bora.uib.no/bora-xmlui/handle/11250/3189779.

⁷ Mohammad Fadel, "Judicial institutions, the legitimacy of Islamic state law and democratic transition in Egypt: Can a shift toward a common law model of adjudication improve the prospects of a successful democratic transition?," *International Journal of Constitutional Law* 11, no. 3 (2013): 646–65.

state. Legal science and scholarly handbooks play the role of legislation and also have legal force. In other words, Islamic law with its various variations develops outside state institutions. Therefore, the idea of unification, codification and legislation as once proposed by Ibn Muqaffa was not popular in classical times.⁸ This issue is important to raise because assuming that the model of reform and transformation of Islamic law is not single, Indonesia deserves to have its own model in developing Islamic law with reference to the goals of Islamic law.⁹ The view that Muslims in Indonesia cannot be able to fully implement Islamic law because Indonesia is not an Islamic country is unacceptable. Because a study proves that Indonesia is no less Islamic than other Muslim countries that formally declare themselves as an Islamic country. The contribution of formal constitutional declarations in realizing the formation of an Islamic state is only five percent. Because the weight of a country's Islam is more measured by the qualifications and legitimacy of its leaders as well as its overall governance.

So the position of this article is to support the views of a number of experts, such as Farid F Mas'udi and Hasbullah Bakri who stated that Indonesia is an Islamic country even though it does not make Islam the basis of the state. This article also strengthens Hazairiin's view on the need for Indonesian jurisprudence or Hasbi Ashidieqy's view on Indonesian Fiqh. This article also reinforces the theory that links Islamic law to faith or known as creed theory. This article rejects the views of Islamist groups that tend to be theocratic, exclusive and authoritarian in interpreting Islam so that it is not suitable for development in the democratic era. So the originality or novelty of this article does not lie in the substance studied but in the way the existing data or facts are studied and associated with the developments that occur in Indonesia. This research is a continuation of previous research which is also related to the theme of transformation and integration of Islamic law in national law.

Method

This research includes literature research related to legal aspects, so it can be called normative research. But it can also be called non-doctrinal qualitative legal research because it includes the analysis of problems, policies and reforms. This article is based on the assumption that Islamic law actually has an unchanged essence, namely realizing justice, benefit, bringing grace and containing wisdom. This is what is called the concept of a

⁸ Abdurrahman Atçıl, "Political Power and Lawmaking in the Ottoman Empire," *Histories of Political Thought in the Ottoman World*, Oxford University Press, 2024, 111.

⁹ Moh Muafiqul Khalid dkk., "Tracing the Trialectic: The Process and Influence of Three Laws in the Establishment of Religious Courts in Indonesia," *Justicia Islamica* 21, no. 1 (2024): 137–54.

perfect sharia ideal, flawless, because it is divine. However, as sharia developed, the terms classical sharia, historical sharia and also contemporary sharia emerged along the way.¹⁰

Classical Shari'a is a set of rules, principles and cases collected by the jurists over a period of two centuries after the death of the Prophet Muhammad, in order to find out what is really God's will. Shari'ah in this case can be found in the works of classical scholars contained in the dominant madhhabs, therefore more concrete. Hostoris Sharia includes principles, rules, cases and interpretations that are developed by the fuqaha and transmitted from time to time throughout the Islamic world over a period of more than a thousand years. Contemporary sharia is the sharia understood by Muslims today around the world. In this context, sharia is incarnated in its plural form. Although there are dynamics and pluralities in the development of sharia, it has a purpose. Like the essence of sharia, its purpose is also relatively unchanged. According to classical and contemporary scholars, Islamic sharia or law aims to protect five or six things, namely, religion, soul, property, intellect, lineage/family and honor.

Results and Discussion

Model Penggalian, Pengamalan, Reformasi dan Transformasi Hukum Islam

The model of transformation and integration of Islamic law into national law in a number of countries cannot be separated from how Islamic law is explored, formulated and practiced. Differences in methods in the way of digging, practicing and formulating result in differences among Muslims in transforming Islamic law into national law. Therefore, the discussion of the transformation model needs to be preceded by the discussion of the model of excavation and the practice of Islamic law. Seen in its history, in general, the model of excavation of Islamic sharia can be carried out through the bayani, irfani and burhani models. In the bayani excavation model, sharia or Islamic law is excavated from the source of religious texts using the istinbath or istidlal method with a linguistic approach. Truth is measured by the truth of the correspondence. The model of irfani excavation is intuition, the method is kasyf or illumination, the approach is psycho-gnostic. The truth is inter-subjective. The burhani excavation model is the source of ratio, the method is analytical discourse, the approach is logic and truth are measured by truth, coherence or consistency.

A Model of Islamic Law Excavation

Type/model	Source	Methods and	Validity
		Pendekatan	the truth

¹⁰ Sugiyono, Metode Penelitian Kuantitatif Kualitatif (Alfabeta, 2017).

¹¹ John W. Creswell dan Cheryl N. Poth, Qualitative inquiry and research design: Choosing among five approaches (Sage publications, 2016).

Hero	Religiou Legal reasoning		Correspondence
	s Texts	with an approach	
		Linguistics	
Irfani	Intuition	Divine radiance with	Inter-subjective
	Psycho-Gnostic		
		approach.	
Burhani	Ratio	Discourse analysis	Coherence or
		with an approach	consistency
		logic.	

The prohibition of polygamy in the form of polygyny and polyandry in a number of Muslim countries is a form of progressive reform resulting from the burhani excavation model. The prohibition of polygamy is the result of the process of *analyzing discourse* through a logical approach by looking at the historical background, process and clues of the text, the function of discourse in the text of the Qur'an and efforts to explore what cannot be said. The same is true of the prohibition of slavery.

The Excavation of Burhani Model Islamic Law on the Issue of Polygamy

	Back	ground, proces	s and	The	The
	instructions (dilalah)			function	unspeakable
				of	
				discourse	
				in al-	
				Qur'an	
Polygy	Polygins	Restriction	Inability	End	Prohibition
				Direction	
Ni/	that	Polygynes	Düsseldorf	norm	against
Politics	diprakte	maximum	husband	perkawinan	polygamy.
mi	kkan	Four wives	to	be	
	without	that	pretend	monogami.	
	border	Squirt	fair		
	before	with			
	Islam	fair			

The Excavation of Burhani's Model Islamic Law on the Issue of Slavery

	ground, Processes and Instructions			The Function	The
	(Dilalah)			of Discourse	unspeakable
				in the Qur'an	
Bud Regulat	Slavery	Reader	Slavery	Discourse	Purpose
on					

will	Is	n	Right	slavery	end
	part	slavery	Directed that	Examined	be
	About Us	Recommend		Extent	conceiver
		ed			
	social-	through	not	proof	San
	economics	Various	become	historical	entire
	for Islam	manner	part		shape
			About Us		Slavery
			social-		
			economis		

In general, there are three models of the implementation or practice of Islamic law: 1) the exclusive textualist model, 2) the substantial, inclusive, and 3) the combination model of both. In general, Islamic law reform in the Islamic world can also be divided into two, namely: *extra doctrinal reform, intra doctrinal*. The reform referred to here is all activities related to change and renewal.

Islamic Law Reform Model

Type		Description	Explanation /
_	· JP ·	2 comption	example
Extra	doctrinal	Reforms carried out	In Tunisian law, talaq
reform		by	only falls and is valid
		reinterpret	when it occurs in court.
		ing the text of the Qur'an	According to the
		and Sunnah. This is	Turkish Civil Code
		because this reform has no	1926, polygamy is
		reference in the doctrine of	strictly forbidden and if
		classical fiqh. (Classical	it occurs then
		Sharia)	the marriage is declared
			invalid.
Intra	doctrinal	Reforms carried out by	Examples of countries
reform		taking the views that are	that apply this reform
		available outside the	model include:
		madzhab that is commonly	Indonesia, Malaysia,
		used in one region. The	Morocco, Algeria, Iraq
		methods used are talfiq	Pakistan
		(merger), tahyir (choosing	
		from various madhhabs)	
		and siyasah shariyyah	
		(politics law) for the benefit	
		of the citizens.	

From the perspective of gender equality and justice, Islamic law reform is progressive and non-progressive. Reform is called progressive when it pays attention to gender sensitivity. Among the Muslim countries that have carried out progressive reforms in family law is Somalia. Although family law reform can be broadly divided into two, namely; intra and extra doctrinal reform, but the methods and techniques vary. There are at least seven methods used by the Islamic world, namely: 1) making all madhhabs in Islam equal (musawat al-madzahib 2) istihsan 3) masalih al-mursalah. 4) Siyasah Syar'iyah 5) Istidlal 6) Legislation 7) Codification. The techniques used are five, namely: 1) ijma 2) qiyas 3) individual and collective ijtihad. 4) Eclectic options. 5) The merger of two legal rules from different madhhabs into one/talfiq. Tahayur (choosing a suitable opinion) and talfiq (combining two or more opinions taken from various madhhabs), in the classical figh tradition, especially among the Syafiyyyah, are considered unethical. Because it is considered to make religion easier or playful. Transformation etymologically means a change in form, appearance, format, and nature. These changes can be in whole or in part. It can also occur by evolution or revolution. What is meant by transformation here is the transformation of figh into national laws or laws. The model of transforming sharia into national law can be divided into three, namely substantive progressive, normative adaptive, and symbolic attributive.

Model of the Transformation of Islamic Law into National Law

Type	Description	Examples/notes
Substantive	The transformation is	The Indonesian
/progressive	called substantive if the	Constitution has
	substance of Islamic law,	adopted the principles of
	namely justice, welfare and	Islamic law based on
	the protection of human	the research of
	rights, has been	Harun Nasution and
	accommodated in the	Masdar Farid Mas'udi
	system national law.	
Normative	The transformation of	Most of the Islamic
(adaptive)	Islamic law into national	legal norms on
	law occurs when the	Marriage have been
	norms contained in	incorporated into Law
	Islamic law are also	No. 1/1974 on
	accommodated and made	Marriage.
	into	
	national legal norms.	
Attributive or	Symbolically or	There are several
		attributes

Symbolic	attributive, Islamic law which symbolically
	has become a national law indicates Islamic law
	if the attributes or such as the terms zina,
	symbols of Islamic law waqaf and zakat,
	such as sharia, al-adl despite the
	(justice), hikmah content of the It may be
	(wisdom), zakat, waqf different from what
	and so on are some scholars want.
	accommodated in
	national law.

Model of Family Law Reform and Transformation in Indonesia

The model of family law reform and transformation in Indonesia, historically, has been influenced by legal theories and politics taken by the government or the state. For example, since 1855, the theory of *Receptio in complexu* has been used by the Religious Court in deciding family disputes among Muslims. The theory of *reception*, then replaced it in 1929. However, since Indonesia declared its independence, another theory called *Receptio a contrario has emerged*. This theory was then strengthened by a theory called positivization of Islamic law.

Name	Description	Implication	Notes or
Name			reference
	Muslims must	Sharia norms are	Practiced in the
	submit and follow	directly applied to	Religious Court
Pagantio in	the norms of sharia	Muslims without	since 1855
Receptio in complexu	as a consequence of	waiting for	
сотрієхи	their religion.	whether or not the	
		norm is accepted	
		by custom.	
	In civil disputes	The application	A reference to
	between fellow	of sharia norms	the colonial
Dagastion	Muslims, it is	depends on the	government's
Reception	decided by the	customary	policy since
	Islamic Judge if	acceptance of it.	1929.
	the customary law		
	For Muslims,	Customary law can	
Receptio	Islamic law must	be applied if it is	
a contrario	be applied to	not contrary to	
	them.	Islamic law.	

	Islamic law in	The enactment of	The reference of
Possitivi	principle has	Islamic law is not	this theory is:
sa- the	become a positive	determined by	Law No.1
Islamic	law for	the acceptance of	/ 1974 on
law	Muslim Indonesia.	customary law.	Marriage

If seen from the form of family law reform carried out by Indonesia, the reforms carried out by Indonesia tend to be *intra-doctrinal reform* by taking views that are outside the madzhab that is commonly used in one region of Indonesia, namely the Shafii madzhab but still in the corridor of madzhab in Islam. The methods used are *talfiq* (merger), *tahyir* (choosing from various madhhabs) and *siyasah shariyyah* (legal politics) for the benefit of the citizens. Before the Compilation of Islamic Law (KHI), the source of reference for judges in the Religious Courts in Indonesia was only 13 books, which were generally madzhab Shafii. But after the existence of KHI, the book references used amounted to 38 books with more diverse madhhab variations.

At least five reforms or reforms in family law were found contained in the KHI. Among them are: (1) a person can be married at least 16 years old for a woman and 19 years old for a man as stated in Article 15 paragraph 1 of the KHI. (2) that divorce is valid if it is carried out before the Religious Court as stated in Article 115 of the KHI. In other words, a divorce that is not carried out in a court hearing is an invalid divorce. (3) In the Inheritance Law, there is the term Successor Heir of the deceased Heir, namely in Article 185 of the KHI. (4) Girls and boys can wear hijab or obstruct their relatives as stated in Article 174 paragraph (2) (5) Regarding wills, in the KHI there is a term mandatory will intended for adopted children or adoptive parents, namely in Article 209 of the KHI.

This provision is different from the provisions contained in the classical fiqh book, which means that in KHI there are reforms that are tailored to the sense of justice and benefit for Muslims in Indonesia. In addition to this update, there are also opinions that do not follow the provisions of the majority of scholars such as marrying pregnant women as contained in Article 53 paragraph (1) of the KHI. Article 183 of the KHI reads: In the case of inheritance, the heirs can agree to make peace in the division of the inheritance, after each is aware of his share.

Reforms in the Compilation of Islamic Law

NO	DESCRIPTION	ARTICLE	KET
1	That a person can marry	Article 15	For the benefit of the
	at least 16 years old for a	Verse 1	family and household,
	woman and 19 years old	KHI	marriage can only be
	for a man		carried out by the
			prospective bride and
			groom who have

			reached the age stipulated in article 7 of Law No.1 of 1974, namely the prospective husband is at least 19 years old and the prospective wife is at least 16 years old. The age difference for marriage between a man and a womanwas later changed to basis of the Constitutional Court's decision in December 2018.
2	That divorce is valid if it is carried out in front of a Religious Court hearing	Article 115 KHI	reads: Divorce can only be done in front of the Religious Court session after the Religious Court has tried and failed to reconcile the two parties". In other words, a divorce that is not carried out in a court hearing is an invalid divorce.
3	In the Law of Inheritance, there is the term Successor Heir of the deceased Heir	Article 185 KHI	The heir who dies before the heir can be replaced by the heir. His son
4	Girls are the same as boys can wear hijab or block your brother	Article 174 Verse 2	Article 174 paragraph (2) reads: if all the heirs are present, then the only ones entitled to inherit are: children, fathers, mothers, widow or widower.

5 In KHI there is a term A mandatory will intended K for adopted children or adoptive parents

Article 209 KHI

Adoptive parents who do not receive a will are given a mandatory will of up to 1/3 of the will of their adopted child. (verse1) Adopted children who do receive a will are given a mandatory will of as much as 1/3 of the inheritance of their adoptive parents. From the inheritance of his adoptive parents.

The Impact of Reform and Transformation on the Position of Classical Figh Books

Through the Circular Letter of the Bureau of Religious Justice Number B/1/735 dated February 18, 1958, the judges were encouraged to examine and decide cases based on the 13 books of figh. Then, through a presidential instruction in 1991, the judges were encouraged to make the KHI which refers to 38 figh books as a reference in examining and deciding cases submitted to the Religious Court.¹² When comparing the transformation of Islamic law in national law, especially in the field of law, between 1958 and 1991, two things can be found.¹³ First, there is an expansion of Islamic law schools that are used as a reference, second, there are reforms in a number of aspects.¹⁴ If in 1958 the madhhab used was dominated by the Shafi'i madhhab, then in 1991 the madhhab used was expanded to include five madhhabs, namely, Hanafi, Maliki, Shafi'i, Hanbali, and Zhahiri. 15 This means that through reform and transformation, the madzhabs of figh are positioned in the same position (*musawat al-madzahib*). Each can be taken as long as it can establish the magashid of Shariah in family law. It also means that classical sharia is no longer considered sacred, immutable. Similarly, the Shafii madhhab is no longer seen as the dominant madhhab. As long as it can realize the goals of sharia, madhhab outside the mainstream can be used as a reference.

¹² Ahmad Ali Akbar dan Peni Rinda Listyowati, "Marriage Guardianship Law for Women in Fiqh, KHI and Supreme Court Decisions (Analysis of Religious Court Judges' Perceptions)," *Ratio Legis Journal* 3, no. 4 (t.t.): 520–48.

¹³ Zamzam Khatab, "Exploring the Evolution of Family Law in Damascus from Pre-Reform Practices to 1953 Reforms: A Comparative History of Sunni Family Law in Syria," 2024, https://www.divaportal.org/smash/record.jsf?pid=diva2:1931463.

¹⁴ Supani Supani dkk., "From Classical Shafi'i Jurisprudence to Diverse Madhhab Perspectives: Shifting Literatures and Practices of Sharia Economic Law in Islamic Pesantren," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 63–72.

¹⁵ Agata Wójcik, "Salafism in Turkey: Between persistent radicalism and cultural resilience," *Przegląd Religioznawczy*, no. 1 (291 (2024): 121–46.

Conclusion

This study found that there are variations in the model, practice, and reform of family law in the Islamic world. Variations were also found when the Islamic world carried out the process of transforming family law into national law. The impact of the reform and transformation of family law in Indonesia is that the classical figh books that were originally used as the main reference and considered sacred, have lost their sacredness. This study concludes that the reform and transformation of family law in Indonesia does not reduce the independence of religious judges in exploring and finding more contextual Islamic law as evidenced by the emergence of a number of reforms that have emerged from a number of jurisprudence. In order for reform and transformation to support the formation of Indonesian figh, the decisions of religious judges that can later be used as jurisprudence must reflect the spirit of Indonesia's national legal system. This means that religious court decisions that are nothing but products of Indonesian figh must be synergized with the principles and goals of national law. In other words, the decision of the religious court must not contradict the basic principles that have been outlined in the Indonesian constitution. Because, substantively, Islamic law has actually been transformed into the basic law of the state or the constitution. Therefore, the demands of faith and the demands of the constitution must be synergized.

In the Indonesian context, religious law and state law can be distinguished but cannot be separated. Therefore, the choice is not to take one and throw away the other. However, choosing which of the religious laws (fiqh) is the most suitable for Indonesian conditions. In order to protect the purpose of Islamic law in family law which includes the protection of property (al-mal), soul (al-nafs) and descendants / family (al-nasl), the normative formulation contained in classical fiqh can be changed or changed with a new normative formulation. Because the normative formulation in the hierarchy of sharia maqashid is in the category of hajiyat, while the protection of these three things is dlaruriyat. However, in order for problems related to family life to be resolved through one roof, the idea of the need for an integrated family justice system that can examine and decide various issues related to family affairs, such as domestic violence, needs to be supported and continued.

Bibliography

- Akbar, Ahmad Ali, dan Peni Rinda Listyowati. "Marriage Guardianship Law for Women in Fiqh, KHI and Supreme Court Decisions (Analysis of Religious Court Judges' Perceptions)." *Ratio Legis Journal* 3, no. 4 (t.t.): 520–48.
- Asmoro, Dwi, dan Ade Saptomo. "Islamic Law in the Development of Indonesian Law." *Riwayat: Educational Journal of History and Humanities* 7, no. 1 (2024): 138–47.
- Atçıl, Abdurrahman. "Political Power and Lawmaking in the Ottoman Empire." *Histories of Political Thought in the Ottoman World*, Oxford University Press, 2024, 111.
- Creswell, John W., dan Cheryl N. Poth. *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications, 2016. https://books.google.com/books?hl=id&lr=&id=DLbBDQAAQBAJ&oi=fnd&pg=PP 1&dq=creswell&ots=-ir918MRVx&sig=tNz5z8VXFzzd5f4cdDUX4UCWYqQ.

- Fadel, Mohammad. "Judicial institutions, the legitimacy of Islamic state law and democratic transition in Egypt: Can a shift toward a common law model of adjudication improve the prospects of a successful democratic transition?" *International Journal of Constitutional Law* 11, no. 3 (2013): 646–65.
- Gilani, Syed Iftikhar Ali, dan Pakistan Khaliq Ahmad. "Prophet Muhammad (saw): A Catalyst for the Advancement of Civilization." *ISLAM, SCIENCE, AND SUSTAINABILITY* 59, 2024, 285.
- Hasan, Kaif, Mohammad Saif, dan Sadaf Ali Khan. "Rethinking the conundrum of law and morality: Islamic law between popular sovereignty and God's sovereignty." *Manchester Journal of International Economic Law* 1 (2024). https://heinonline.org/holcgi-bin/get pdf.cgi?handle=hein.journals/jispil20§ion=5.
- Khalid, Moh Muafiqul, Aldi Hidayat, Muhammad Alan Juhri, dan Elvina Lintang Solehah. "Tracing the Trialectic: The Process and Influence of Three Laws in the Establishment of Religious Courts in Indonesia." *Justicia Islamica* 21, no. 1 (2024): 137–54.
- Khatab, Zamzam. "Exploring the Evolution of Family Law in Damascus from Pre-Reform Practices to 1953 Reforms: A Comparative History of Sunni Family Law in Syria." 2024. https://www.diva-portal.org/smash/record.jsf?pid=diva2:1931463.
- MB, Dastagiri. "GOD S NATURE, POWERS, LAWS, SCIENCE PERFORMED: THEOLOGICAL, PHILOSOPHICAL, SCIENTIFIC RESEARCH." International Journal of Theology, Philosophy and Science 8, no. 15 (2024): 5–19.
- Noor, Mohamed Aidarus. *Becoming a Canon: Texts, Community and Authority in the Canonization of Minhāj al-ṭālibīn wa-ʿumdat al-muftīn on the Swahili Coast, 1856-1963 CE.* The University of Bergen, 2025. https://bora.uib.no/bora-xmlui/handle/11250/3189779.
- Panjaitan, Budi Sastra, Putra Halomoan Hasibuan, Puji Kurniawan, Adi Syahputra Sirait, dan Sukron Ma'mun. "Revitalizing Sharia Advocates: Reforming the Law on Advocates in Strengthening the Role of Islamic Law in Indonesia." *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (2024): 485–504.
- Sugiyono. Metode Penelitian Kuantitatif Kualitatif. Alfabeta, 2017.
- Supani, Supani, Ainul Yaqin, Mokhamad Sukron, Muchimah Muchimah, dan Humaira Ahmad. "From Classical Shafi'i Jurisprudence to Diverse Madhhab Perspectives: Shifting Literatures and Practices of Sharia Economic Law in Islamic Pesantren." *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 63–72.
- Wójcik, Agata. "Salafism in Turkey: Between persistent radicalism and cultural resilience." *Przegląd Religioznawczy*, no. 1 (291 (2024): 121–46.