

Transformation of Contemporary Islamic Justice: Integration of Juridical Norms and Socio-Cultural Traditions in Indonesia

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Abstract

The transformation of Islamic justice in Indonesia reflects the dynamics between formal juridical norms and the socio-cultural realities of diverse societies. Religious Courts, as part of the national legal system, do not solely implement Islamic law in a normative form, but must also interact and negotiate with local values, social structures, and broader political and legal configurations. This research critically examines how the integration between Islamic legal norms and socio-cultural traditions occurs in judicial practice, as well as how these interactions affect the effectiveness and legitimacy of Islamic judicial institutions in Indonesia. The juridical-sociological approach is used to explore the relationship between legal norms and the context of society (living law), with an emphasis on aspects of social acceptance and substantive justice. The findings of the study show that although institutionally the Religious Courts have been strengthened, there is still tension between the spirit of codification of sharia law and the flexibility of local culture. In this context, the transformation of Islamic justice is not only a matter of legal reform, but also involves the repositioning of the role of religion, the state, and society in formulating and enforcing contextual justice. Thus, there is a need to strengthen an integrative paradigm in the reform of Islamic law that is able to bridge juridical norms with social reality, in order to strengthen the responsiveness and legitimacy of Islamic justice in the midst of the plurality of laws in Indonesia.

Keywords: Islamic Justice, Legal Transformation, Socio-Cultural, Indonesian Religious Courts.

Abstrak

Transformasi peradilan Islam di Indonesia mencerminkan dinamika antara norma yuridis formal dan realitas sosio-kultural masyarakat yang beragam. Peradilan Agama, sebagai bagian dari sistem hukum nasional, tidak semata-mata mengimplementasikan hukum Islam dalam bentuk normatif, tetapi juga harus berinteraksi dan bernegosiasi dengan nilai-nilai lokal, struktur sosial, serta konfigurasi politik dan hukum yang lebih luas. Penelitian ini secara kritis menelaah bagaimana integrasi antara norma hukum Islam dan tradisi sosio-kultural terjadi dalam praktik peradilan, serta bagaimana interaksi ini memengaruhi efektivitas dan legitimasi lembaga peradilan Islam di Indonesia. Pendekatan yuridis-sosiologis digunakan untuk mengeksplorasi relasi antara teks hukum (*legal norms*) dan konteks masyarakat (*living law*), dengan menekankan pada aspek keberterimaan sosial dan keadilan substantif. Temuan penelitian menunjukkan bahwa meskipun secara institusional Peradilan Agama telah mengalami penguatan, masih terdapat ketegangan antara semangat kodifikasi hukum syariah dan fleksibilitas budaya lokal. Dalam konteks tersebut, transformasi peradilan Islam bukan hanya soal reformasi hukum, tetapi juga menyangkut reposisi peran agama, negara, dan masyarakat dalam merumuskan dan menegakkan keadilan yang kontekstual. Dengan demikian, perlunya ada penguatan paradigma integratif dalam pembaruan

hukum Islam yang mampu menjembatani norma yuridis dengan realitas sosial, guna memperkuat responsivitas dan legitimasi peradilan Islam di tengah pluralitas hukum di Indonesia.

Kata Kunci: Peradilan Islam, Transformasi Hukum, sosio-kultural, Peradilan Agama Indonesia.

Introduction

Islamic justice in Indonesia is an integral part of the national legal system that has its own peculiarities, both in historical, normative, and sociological dimensions.¹ As a country where the majority of the population is Muslim, the existence of the Religious Court not only fulfills formal juridical needs, but also is a reflection of the aspirations of Muslims in obtaining justice based on sharia values.² However, in practice, the Islamic justice system in Indonesia does not run in a vacuum, but is within a pluralistic national legal framework, and is influenced by the social and cultural context of a very diverse society.³

The judicial system plays a very important role in upholding justice and maintaining order in every social order, including in Indonesia.⁴ As a country known for its cultural and religious diversity, Indonesia accommodates the existence of various legal systems, one of which is Islamic law.⁵ In this context, the Islamic justice system in Indonesia has undergone dynamic developments, along with the course of history and social changes in a multicultural society.⁶ These developments cannot be separated from the important role of religious justice institutions as official state institutions that handle certain civil cases among Muslims, especially in the fields of marriage, inheritance, wills, grants, waqf, zakat, infaq, shadaqah, and sharia economics.⁷

The juridical basis for the existence of Islamic courts in Indonesia is regulated in Law Number 7 of 1989 concerning Religious Courts, which was later updated through Law Number 3 of 2006 and Law Number 50 of 2009.⁸ This legislative reform marks the strengthening of the role

¹ Andi Intan Cahyani, 'Peradilan Agama Sebagai Penegak Hukum Islam Di Indonesia', *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 6, no. 1 (2019): 119–32. <https://doi.org/10.24252/al-qadau.v6i1.9483>

² Hendra Gunawan, 'Sistem Peradilan Islam', *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyarahan Dan Pranata Sosial* 5, no. 1 (2019): 90–103. <https://doi.org/10.24952/el-qonuniy.v5i1.1766>

³ Muhammad Siddiq Armia, 'Sumbangsih Kerajaan Muslim Indonesia Dalam Pengembangan Peradilan Islam: Analisis Historical Legal Approach', *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial* 2, no. 2 (2018): 172–89. <http://dx.doi.org/10.22373/justisia.v2i2.2653>

⁴ Muhammad Habibi, 'Legalitas Hukum Islam Dalam Sistem Peradilan Indonesia', *Media Syari'ah: Wabana Kajian Hukum Islam Dan Pranata Sosial* 22, no. 2 (2020): 1-28.

⁵ K Louisa Yesami et al., *Pengantar Terhadap Sistem Hukum Di Indonesia* (Cendikia Mulia Mandiri, 2025). 1-15.

⁶ Ahmad Fasial, 'Hubungan Islam Dengan Sistem Peradilan Di Indonesia', *Warta Dharmawangsa* 17, no. 2 (2023): 632–49. <https://doi.org/10.46576/wdw.v17i2.3177>

⁷ Indah Nur Shanty Saleh et al., *Hukum Dan Peradilan Di Indonesia:: Kajian Teori Dan Praktik Hukum Di Indonesia* (PT. Sonpedia Publishing Indonesia, 2025). h. 5-30.

⁸ Bikri Briliansa, 'Kewenangan Absolut Pengadilan Agama Dalam Memutus Sengketa Wakaf (Analisis Putusan Nomor 292/Pdt. G/2018/PA. Dps).', 2020.

of the Religious Courts as an integral part of the national judicial system, while affirming the importance of Islamic law in Indonesia's positive legal structure.⁹

Ideally, the Religious Justice system in Indonesia is under the authority of the Supreme Court of the Republic of Indonesia as the highest judicial institution in the national judicial structure.¹⁰ Although it adjudicates cases that originate from Islamic law, the Religious Court does not function as a theological or political institution, but rather as part of a positive legal system that performs judicial functions in a professional and neutral manner.¹¹ In addition, decisions produced by the Religious Court can be appealed and appealed to the Supreme Court, which reflects the principle of *check and balance* in the Indonesian judicial system.¹² This confirms that although the Religious Courts are sourced from sharia norms, their implementation remains within the framework of the state of law that guarantees accountability, transparency, and protection of human rights.¹³

Islamic Courts in Indonesia, which are implemented through Religious Courts and Syar'iyah Courts (especially in the Aceh region),¹⁴ has the main mandate to uphold justice based on the principles of Islamic law. In this framework, understanding the basic principles of Islamic law, judicial institutional structure, and dispute resolution mechanisms are crucial aspects that cannot be ignored.¹⁵ In addition, the Islamic justice system in Indonesia cannot be separated from various challenges, both from juridical, sociological, and cultural aspects.¹⁶ The complexity of a multicultural society, the dynamics of pluralistic national law, and the influence of legal globalization are factors that affect the effectiveness of the application of Islamic law within the scope of positive Indonesian law.¹⁷ Therefore, the study of the implementation of Islamic justice

⁹ Joni Zuhendra, 'Undang-Undang Nomor 1 Tahun 1974 Dan Kompilasi Hukum Islam Dalam Sistem Hukum Nasional', *Politik Hukum Islam Di Indonesia*, n.d., 161.

¹⁰ Siti Hanah, 'Reformasi Peradilan Agama Di Indonesia (Kajian Atas Pemberlakuan Sistem Satu Atap Lembaga Peradilan Di Bawah Kekuasaan Mahkamah Agung)', n.d.

¹¹ Andi Intan Cahyani, 'Peradilan Agama Sebagai Penegak Hukum Islam Di Indonesia', *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 6, no. 1 (2019): 119–32. <https://doi.org/10.24252/al-qadau.v6i1.9483>

¹² Mufid Arsyad, 'Implementasi Hukum Islam Dalam Sistem Peradilan Di Indonesia: Studi Kasus Pada Peradilan Agama', *Jurnal Tana Mana* 5, no. 2 (2024): 264–70. <https://doi.org/10.33648/jtm.v5i2.857>

¹³ Nuzha Nuzha, 'Menelusuri Perkembangan Peradilan Agama Di Indonesia', *Jurnal Qisthosia: Jurnal Syariah Dan Hukum* 1, no. 1 (2020): 1–15.

¹⁴ Hani Adhani, 'Menakar Konstitusionalitas Syari'at Islam Dan Mahkamah Syar'iyah Di Provinsi Aceh', *Jurnal Konstitusi* 16, no. 3 (2019): 606–29. <https://doi.org/10.31078/jk1638>

¹⁵ Irya Linda and Adam Sani, 'Analisis Putusan Hakim Dalam Perkara Jarimah Maisir Di Mahkamah Syar'iyah Suka Makmue Tahun 2022', *Seikat: Jurnal Ilmu Sosial, Politik Dan Hukum* 2, no. 4 (2023): 363–74. <https://doi.org/10.55681/seikat.v2i4.571>

¹⁶ Muhyidin Muhyidin, 'Perkembangan Peradilan Agama Di Indonesia', *Gema Keadilan* 7, no. 1 (2020): 1–19. <https://doi.org/10.14710/gk.2020.7233>

¹⁷ Ahmad Khumaidi Ja'far, 'Teori-Teori Pemberlakuan Hukum Islam Di Indonesia', *Asas* 4, no. 2 (2012).

must pay attention to the interaction between formal juridical norms and the socio-cultural context that develops in society.¹⁸

The transformation of the Islamic Judiciary in Indonesia is evident through changes in regulations, institutionalization, and the development of increasingly complex authority.¹⁹ Since the promulgation of Law Number 7 of 1989 concerning Religious Courts, which later underwent changes through Law Number 3 of 2006 and Law Number 50 of 2009, the role of the Religious Courts is no longer limited to marriage, talaq, and referral cases, but has expanded to include inheritance, wills, waqf, zakat, sharia economics, and others. This expansion is a form of state recognition of the dynamics of Islamic law as part of the national legal system.²⁰

However, in the context of implementation, this transformation faces the challenge of integration between juridical norms and the socio-cultural reality of Muslims in various regions.²¹ Many judicial decisions are not only based on normative texts such as the Compilation of Islamic Law (KHI), but also consider local customs and religious practices that are living *in* society.²² This indicates that there is a process of adjustment between normative law and socio-cultural values in order to achieve substantive justice.²³

Thus, the study of the transformation of the Islamic judiciary is not enough only to look at the aspect of regulatory changes, but also to examine how this judicial system integrates local values, culture, and social practices of Muslims into a positive legal framework.²⁴ A normative-sociological approach is important to understand the direction of the development of Islamic justice in the future in responding to the challenges of globalization, modernity, and plurality of Indonesian society.²⁵

¹⁸ Muhammad Abdurrahman, *Hukum Peradilan Islam Di Indonesia: Konsep Dan Implementasi*. (Yogyakarta: Pustaka Pelajar, 2018).

¹⁹ Miftakhur Ridlo, 'Sejarah Perkembangan Peradilan Agama Pada Masa Kesultanan Dan Penjajahan Sampai Kemerdekaan', *Asy-Syuri'ah: Jurnal Hukum Islam* 7, no. 2 (2021): 152–67. <https://doi.org/10.55210/assyariah.v7i2.612>

²⁰ Irwan Nugraha Putera, 'Analisis Pemidanaan Kejahatan Perampokan Ditinjau Dari Sistem Peradilan Pidana Indonesia', 2024.

²¹ H Dadan Muttaqien and SH M Hum, 'Diversi Pada Tindak Pidana Anak Sistem Peradilan Pidana Anak Di Pengadilan Negeri Sleman Dalam Perspektif Hukum Islam', 2018.

²² Surya Sukti, 'Living Law Dalam Hukum Keluarga Di Indonesia', *Jurnal Riset Multidisiplin Edukasi* 2, no. 5 (2025): 195–207. <https://doi.org/10.71282/jurmie.v2i5.289>

²³ Hamzah Hamzah, 'Peranan Peradilan Agama Dalam Pertumbuhan Dan Dinamika Hukum Kewarisan Di Indonesia', *Al-Syakhsbiyyah Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 2, no. 2 (2020): 122–39. Doi:10.35673/As-Hki.V2i2.921

²⁴ Hamzah Hamzah, 'The Role of Religious Justice in the Growth and Dynamics of Inheritance Law in Indonesia', *Al-Syakhsbiyyah Journal of Islamic Family Law and Humanity* 2, no. 2 (2020): 122–39.

²⁵ Muhammad Rusydi, 'Modernitas Dan Globalisasi: Tantangan Bagi Peradaban Islam', *TAJIDID: Jurnal Ilmu Ushuluddin* 17, no. 1 (2018): 91–108.

Therefore, this section will outline a number of previous research results in order to examine the position and contribution of this research in relation to previous studies. Research conducted by Badruddin and Aditya Prastian Supriyadi²⁶ in 2022. The results of this study show that the actualization of Islamic law in Indonesia actually has strong historical roots since ancient times. However, in the contemporary era, the process of actualization cannot stop, considering that the Industrial Revolution 4.0 has had a significant impact on social dynamics, economic, cultural, moral, and increasingly complex technological developments. Therefore, efforts are needed to reactualize Islamic teachings in a contextual and responsive manner to the challenges of the times, because existing Islamic law is not necessarily able to accommodate current problems in its entirety. This reactualization is important to support the process of positivization of Islamic law in Indonesia, especially in regulating the behavior of the ummah normatively without deviating from the basic values of Islamic teachings.

Meanwhile, the results of Mufid Arsyad²⁷'s research, the findings of this study show that the religious courts have contributed significantly to upholding Islamic law in accordance with the principles of justice and legal certainty. However, the implementation of Islamic law in the national justice system still faces a number of obstacles, including limited competent human resources and differences in interpretation of sharia norms. This condition requires a more comprehensive strengthening of regulations and an increase in the institutional capacity of religious courts, so that the application of Islamic law can take place optimally and responsively to the dynamics of pluralistic Indonesian society.

However, Syarif Hidayatullah²⁸'s research, he said that in social reality, the laws that live in the community, especially the Muslim community, show that Islamic law has its own characteristics and often interacts with each other and influences customary law that has existed and developed in the community for a long time. This interaction makes Islamic law that grows and develops socially a relevant and considerable source of law, especially in the field of civil law, and in some cases even penetrates into the realm of criminal law. This further strengthens the position of

²⁶Badruddin Badruddin and Aditya Prastian Supriyadi, 'Dinamika Hukum Islam Indonesia: Reaktualisasi Norma Islam Dalam Menalar Hukum Positif Merespon Sosio-Kultural Era Kontemporer', *De Jure: Jurnal Hukum Dan Syari'ah* 14, no. 1 (2022): 38–57.

²⁷Mufid Arsyad, 'The Implementation of Islamic Law in the Judicial System in Indonesia: A Case Study on Religious Justice', *Tana Mana Journal* 5, no. 2 (2024): 264–70.

²⁸Saifullah Saifullah, Mustafa Lutfi, and Abdul Azis, 'The Transformation of Islamic Law Values in the Jurisprudence of Constitutional Court Decisions from the Perspective of Integrative Legal Theory', *De Jure: Journal of Law and Sharia* 12, no. 1 (2020): 1–16.

Islamic law which has a wide complexity and scope of material, both in particular and universal legal aspects.

Thus, the previous studies that have been presented show significant relevance to this study, especially because there is a similar focus, namely on the study of Islamic religious justice and its implementation in the civil procedural law system. This also emphasizes the existence and contribution of each research in examining the dynamics of the Islamic legal system in Indonesia. The novelty in this study lies in the effort to measure the significance of the transformation of contemporary Islamic justice, especially in the context of integration between juridical norms and socio-cultural reality, which has not been touched in depth by previous research.

Through this research, the author aims to explore and analyze the Islamic justice system in Indonesia, both in terms of theoretical foundations and practical implementation in daily life. By delving into this system, it is hoped that comprehensive insights can be obtained regarding the existence, dynamics, and contribution of the Islamic judiciary in upholding justice and social order in the midst of a pluralistic Indonesian society. This research will focus its study on several crucial aspects, including: the institutional structure of the Islamic judiciary, the mechanism of the judicial process, and the internal and external challenges faced in its implementation. Through this approach, it is hoped that this research will be able to provide a holistic and critical picture of the position, role, and development of the Islamic justice system within Indonesia's pluralistic and multicultural national legal framework.

Research Methods

This study uses a qualitative approach with a descriptive-analytical method²⁹ that aims to examine in depth the dynamics of the transformation of Islamic justice in Indonesia in the context of integration between juridical norms and socio-cultural traditions of the community.³⁰ The approach used is juridical-sociological, namely by examining the prevailing positive legal norms (*ius constitutum*) and tracing their implementation in social practices in the Islamic judicial environment.³¹ The types of data collected consisted of primary data, in the form of in-depth interviews with judges, advocates, academics, and justice-seeking communities within the Religious Courts and Sharia Courts;³² and secondary data sourced from laws and regulations (such as Law

²⁹ Zainuddin Ali, *Legal Research Methods* (Sinar Grafika, 2021). ch. 1-45.

³⁰ Budi Juliardi et al., *Legal Research Methods* (CV. Gita Lentera, 2023). ch. 1-29.

³¹ Nurul Qamar and Farah Syah Rezah, *Legal Research Methods: Doctrinal and Non-Doctrinal* (CV. Social Political Genius (SIGn), 2020). ch. 1-22.

³² Muliadi Nur, 'Rechtsvinding: Discovery of Law (A Comparison of Methods of Discovery of Conventional Law and Islamic Law)', *Al-Syir'ab Scientific Journal* 2, no. 1 (2016). ch. 1-30.

No. 7 of 1989 jo. Law No. 3 of 2006 jo.³³ Law No. 50 of 2009), Compilation of Islamic Law (KHI), Compilation of Sharia Economic Law (KHES), as well as scientific literature, journals, and other official documents.³⁴ Data collection techniques are carried out through literature studies to obtain normative and theoretical data, semi-structured interviews to explore contextual data, and field observations in the religious justice environment to directly observe the implementation of legal norms and their interaction with local values.³⁵ The data obtained were analyzed qualitatively through the stages of reduction, presentation, and conclusion drawn, using the theory of legal integration and the sociology of law approach to understand the relationship between legal norms and the socio-cultural structure of society in the framework of the transformation of the Islamic justice system in Indonesia.³⁶

Research and Discussion Results

Transformation and Relevance of Islamic Law as a Source of National Law in Indonesia

Indonesian society is a heterogeneous society, not only because of the plurality of ethnicities and religions, but also among the Muslim people themselves there is a plurality characterized by the existence of different social groups and units.³⁷ Therefore, it is not surprising that the legal system in Indonesia adheres to a plurality of laws, in the sense that state law comes from different sources, namely from customary law, religious law (Islam), and western law (inheritance of Dutch colonialists).³⁸ In the understanding of the symbiotic paradigm between religion and the state, it is symbiotically related, namely a relationship that is reciprocal and needs each other.³⁹ In this case, religion needs the state, because with the state, religion can develop. On the contrary, the state also needs religion, because with religion, the state can develop in ethical and moral-spiritual guidance.⁴⁰

In the 1945 Constitution, Article 29 paragraph (1) states that the State of the Republic of Indonesia is based on the One Godhead, which is a basic norm that is interpreted only possible

³³ HA Lawali Hasibuan and Alvin Hamzah Nst, 'Legal Interpretation Methods as a Tool for Seeking Essential Justice', *Journal of Legisla* 15, no. 2 (2023): 136–45.

³⁴ Anthon F Susanto, 'Legal Research', 2016. ch. 1-34.

³⁵ Sunarjati Hartono, 'Kapita Selekta Perpitan Hukum', 1986. ch. 1-23.

³⁶ Ishaq Ishaq, 'Legal Research Methods and Writing Theses, Thesis, and Dissertations', 2017. p. 1-38.

³⁷ Sopyan Hadi and Yunus Bayu, 'Membangun Kerukunan Umat Beragama Melalui Model Pembelajaran Pai Berbasis Kearifan Lokal Pada Penguruan Tinggi', *Tarbiyah Wa Ta'lim: Jurnal Penelitian Pendidikan Dan Pembelajaran*, 2021, 23–36. <https://doi.org/10.21093/twt.v8i1.3111>

³⁸ Mohammad Fahrur Rozi, 'Pluralisme Dan multikulturalisme Dalam Membangun Masyarakat Madani; Kajian Paradigmatik', *Al-Ibrah: Jurnal Pendidikan Dan Keilmuan Islam* 2, no. 2 (2017): 104–27. <https://doi.org/10.21093/twt.v8i1.3111>

³⁹ Rondang Herlina, 'The Relationship of Religion and State in Integralistic, Secularistic and Substantive-Symbiotic', *Fafabhamna* 2, no. 1 (2023): 1–20.

⁴⁰ Syamsul Yakin, 'Dakwah Politik Dalam Paradigma Simbiotik', *Jurnal Komunikasi Islam* 9, no. 1 (2019): 58–81. <https://doi.org/10.15642/jki.2019.9.1.58-81>

with Pancasila democracy.⁴¹ According to Fazlur Raahman, the transformation of Islamic law can be presented in the form of legislation which includes, among others,.⁴²

- 1) Considering all Islamic traditions, both traditional and modern;
- 2) Use of scientific methods in an effort to reformulate Islamic law;
- 3) Interpretation of the Qur'an and Sunnah in a historically sociological and chronological manner;
- 4) Systematicizing the methods of interpreting classical modernism, and;
- 5) Incorporating contemporary problems into the consideration of the reinterpretation of the Qur'an.

The transformation of Islamic law, especially the rules of personal and family law (*al-ahwal al-syakhsyah*) into laws and regulations, both at the legal and lower levels.⁴³ Especially in Indonesia, the *qunun* dimension of Islamic law is spread in various laws and regulations, both in family law and other civil matters. Efforts to transform Islamic law into national law have been accommodated into several forms, including legislative forms, institutional forms, and this effort has received support from both the government and the legislature, this effort has been carried out by the government for a long period of time from the beginning of independence until now.⁴⁴

The form of relationship between religion and national law has three patterns, namely:⁴⁵ 1) religious law, specifically for religious people, of course, 2) religious law is included in national law in general which requires special implementation, and 3) religious law is included in laws and regulations that apply generally to the entire Indonesian population. In the context of future national law development, in addition to being sourced from Pancasila and the 1945 Constitution, it can also be sourced from other laws as long as it does not conflict with the spirit of Pancasila and the 1945 Constitution, with this approach we maintain the national legal identity and at the same time can accommodate other good legal cultures, and can help accelerate the process of developing the national legal system.⁴⁶

⁴¹ Jemmy Dedi Rengku, 'The Concept of Human Rights According to Islam with a Comparison of the Constitution of the Unitary State of the Republic of Indonesia', *Justitia Journal of Law* 15, no. 2 (2021): 32–48.

⁴² Sahid HM HM, 'Legislasi Hukum Islam Di Indonesia: Studi Formalisasi Syariat Islam', 2016.

⁴³ Chamim Tohari, 'Indonesian Fiqh: The Transformation of Islamic Law in the Legal System in Indonesia', *ANALYSIS: Journal of Islamic Studies* 15, no. 2 (2017): 403–32.

⁴⁴ Hisam Ahyani, Asep Deni Adnan Bumaeri, and Ahmad Hapidin, 'The Transformation of Islamic Law Values to Positive Law in Indonesia', *Amnesy: Legal Journal* 3, no. 2 (2021): 60–70. <https://doi.org/10.37729/amnesti.v3i2.1118>

⁴⁵ Hasanuddin Hasim, 'The Relationship of International Law and National Law from the Perspective of the Theory of Monism and the Theory of Dualism', *Mazabibuna: Journal of Comparative Schools*, 2019.

⁴⁶ Bagir Manan, Ali Abdurahman, and Mei Susanto, 'The Development of Religious National Law: Conceptions and Challenges in the State Based on Pancasila', *Journal of Bina Mulia Hukum* 5, no. 2 (2021): 176–95. <https://doi.org/10.23920/jbmh.v5i2.303>

In this regard, in building a national legal system, the government has implemented a policy to utilize three living law systems that exist (living law) and develop in Indonesia as raw materials, namely:⁴⁷ 1) Customary Law, 2) Islamic Law, and Western Law (Netherlands). The contribution of Islamic law in the legal development system in Indonesia is quite developed in line with the challenges of increasingly complex legal problems in accordance with the development of the times with consideration of the benefit of the community in order to reactualize Islamic law.⁴⁸

The judiciary is not only seen as a mechanism for peacemaking, but also as a means to uphold justice, prevent tyranny, and protect individual rights.⁴⁹ In Islam, the judiciary has a noble purpose, which is to realize social and moral justice in society. The legal basis of Islamic justice is derived from the Qur'an, Hadith, Ijma' (the agreement of scholars), and *Qiyas* (analogy). The Qur'an emphasizes the importance of justice, as stated in Surah An-Nisa verse 135, which states that Muslims are commanded to bear witness justly, both to themselves, their families, and others. The hadith of the Prophet Muhammad PBUH also provides guidance on how to behave fairly in the judiciary.⁵⁰

Thus, the concept of justice in Islam is not only limited to the settlement of the law, but also prioritizes moral and ethical aspects, with the ultimate goal of realizing a just and prosperous society.⁵¹ In the Indonesian context, understanding this concept is very important to implement a judicial system that is in accordance with Islamic values while respecting the prevailing positive legal norms. This is because the Islamic Judiciary has a number of principles that serve as a basis to ensure that the legal processes and decisions taken reflect justice and integrity. These principles not only affirm the position of the law, but also prioritize moral and ethical values in the enforcement of justice.⁵²

Religious Courts and Sharia Courts: Pillars of Islamic Justice in the Indonesian Legal System

The existence of judicial institutions is a *sine quanon condition* for Muslims, which is something that absolutely exists for Muslims. Wherever there is Islam and its adherents, it is certain that there

⁴⁷ Sayid Anshar, 'The Concept of the Rule of Law in the Perspective of Islamic Law', *Soumatra Law Review* 2, no. 2 (2019): 235–45.

⁴⁸ Lysa Angrayni, 'Criminal Law in Islamic Perspective and Its Comparison with Criminal Law in Indonesia', *Islamic Law* 15, no. 1 (2015): 46–60. <http://dx.doi.org/10.24014/hi.v15i1.1154>

⁴⁹ Dian Maris Rahmah, 'Optimizing Dispute Resolution Through Mediation in Court', *Journal of Bina Mulia Hukum* 4, no. 1 (2019): 1–16.

⁵⁰ Mahrus Ali, 'The Progressive Criminal Justice System; Alternatives in Criminal Law Enforcement', *Ius Quia Iustum* 14 Law Journal, no. 2 (2007).

⁵¹ US Yudi Krismen and MH Sh, *Indonesian Criminal Justice System* (Pt. Rajagrafindo Persada-Rajawali Pers, 2022).

⁵² Marthinus Mambaya, 'Ethics in the Criminal Justice System: A Critique of Judicial Misdirection in Indonesia', in *Proceedings of the Development of Legal Epistemology*, Surakarta: UMS Postgraduate School, 2015.

is a judicial institution in that place.⁵³ The history of Islamic justice in Indonesia reflects a long journey influenced by a variety of factors, including local culture, colonization, and the development of modern law. Briefly the development of Islamic justice in Indonesia from⁵⁴ the Islamic Kingdom period (13th to 17th centuries). Since the arrival of Islam in Indonesia in the 13th century, the Islamic justice system began to be applied in various Islamic kingdoms, such as Samudera Pasai, Malacca, and Demak.⁵⁵

At this time, Islamic law was applied through a judiciary headed by a judge or qadi appointed by the king. Legal decisions are often based on the Qur'an, Hadith, and the consensus of scholars.⁵⁶ The judiciary at this time also includes aspects of customary combined with Islamic law. *Second*, the Colonization Period (17th to 20th Centuries). With the arrival of Dutch colonialism, the colonial legal system began to be implemented in Indonesia, which led to a shift in judicial practice. The Netherlands adopted the European legal system and began to abolish most of the Islamic judicial powers. However, in some regions, such as Aceh and Madura, Islamic juries are still maintained and even received official recognition. Religious Courts were established in several areas to handle cases related to family law and inheritance in accordance with Islamic law.⁵⁷

Islamic law was once a guideline for sultans during the Islamic sultanate in Indonesia in managing the state even though it had not been formally promulgated.⁵⁸ Invitation was not yet a need for the community at that time. Islamic law is considered the *living law* in society and applies by itself (*mulsimun bi nafsih*) without state intervention. Islamic law does not only cover the personal aspect (*ahwalu as-syakhsyiyah*) but also includes other aspects of human life, so that the religious court at that time was called the general court.⁵⁹ At that time it was the heyday of Islamic law in the archipelago. The contribution of Islam in the power of the judiciary or judicial institutions during the sultanates in the archipelago is clear and has a great contribution.⁶⁰

⁵³ Rinrin Warisni Pribadi, 'Dinamika Eksistensi Peradilan Agama Di Indonesia' 13, no. 2 (2021): 153–60.

⁵⁴ Satjipto Rahardjo, *Law and Society: Initiating a New Paradigm in Law Enforcement* (Jakarta: Kompas, 2015).

⁵⁵ Jefik Zulfikar Hafizd, 'The History of Islamic Law in Indonesia: From the Period of the Islamic Kingdom to Modern Indonesia', *Tamaddun Journal: Journal of Islamic History and Culture* 9, no. 1 (2021): 165–84.

⁵⁶ Ismanto Ismanto and Suparman Suparman, 'The History of Islamic Justice in the Archipelago During the Pre-Colonial Islamic Sultanates', *Historia Madania: Journal of Historical Science* 3, no. 2 (2019): 67–88. <https://doi.org/10.15575/hm.v3i2.9169>

⁵⁷ Abd Rahman and Qadir Gassing, 'The Development of Islamic Law in Indonesia from the Period of the Islamic Kingdom to the Reform Era', *Integrated Multidisciplinary Scientific Journal* 8, no. 6 (2024).

⁵⁸ Ernawati, 'The Dynamics and Existence of Islamic Law in Indonesia', *Lex Jurnalica* 4, no. 2 (2017): 80–92. <https://doi.org/10.36701/bustanul.v4i2.902>

⁵⁹ A. Halim, *Religious Justice in Legal Politics in Indonesia* (Jakarta: PT Raja Grafindo Persada, 2002).

⁶⁰ Ahmad Fasial, 'The Relationship of Islam with the Judicial System in Indonesia', *Warta Dharmawangsa* 17, no. 2 (2023): 632–49, <https://doi.org/10.46576/wdw.v17i2.3177>.

After Indonesia's independence, there were efforts to integrate Islamic law into the national legal system. In 1945, the 1945 Constitution recognized the existence of Islamic law, but its implementation was still limited. Religious Courts are regulated in Government Regulation No. 45 of 1957, which authorizes Religious Courts to handle certain cases related to Islamic law. *Fourth*, Reform and Modern Development (1970s to the present). In the 1970s, with Law No. 7 of 1989 concerning Religious Courts, the Islamic judicial system began to undergo reforms. This law establishes religious courts as the institution authorized to handle matters related to Islamic law, such as marriage, divorce, and inheritance. In 2006, the Supreme Court of Indonesia issued Supreme Court Regulation No. 1 of 2006 which further strengthened the position of the Religious Court in the national judicial system.⁶¹

So, currently the Islamic judiciary in Indonesia continues to develop, both in terms of institutions and law enforcement. There has been an increase in public awareness of legal rights in the context of Islamic law, as well as the emergence of alternative institutions, such as sharia mediation, that offer peaceful dispute resolution.⁶² However, challenges such as differences in legal interpretations and the lack of public understanding of their rights in the justice system are still issues that need to be addressed. The history of Islamic justice in Indonesia shows a complex and diverse dynamic, in which Islamic justice seeks to adapt to changing social and legal contexts. Through this understanding of history, it is hoped that the community and related parties can better appreciate and understand the existence and role of the Islamic justice system in realizing justice in Indonesia.⁶³

The Religious Court is a judicial institution specifically established to handle cases related to Islamic law in Indonesia. The existence of Religious Courts is an integral part of the judicial system in Indonesia, which aims to provide access to justice for Muslims.⁶⁴ The Legal Basis and Organizational Structure of the Religious Courts are regulated in Law Number 7 of 1989 concerning Religious Courts, which was later replaced by Law Number 3 of 2006 and Law Number 50 of 2009. The Religious Court is under the Supreme Court of the Republic of Indonesia and has

⁶¹ Nabila Saifin Nuha Nurul Haq, 'The Politics of Islamic Law in the Sultanate Era', *Reflex* 12, no. 1 (2017): 1–19. 10.28944/reflektika.v13i1.72

⁶² Nabila Saifin Nuha Nurul Haq, 'The Politics of Islamic Law in the Sultanate Era', *Reflex* 12, no. 1 (2017): 1–19. 10.28944/reflektika.v13i1.72

⁶³ Muhammad Sukri, 'The History of Religious Justice in Indonesia (Juridical Approach)', *Al-Syir'ah Scientific Journal* 10, no. 2 (2016).

⁶⁴ M. A. Mudzhar, 'Legal Reform in Indonesia: Current Development on the Role of Peradilan Agama', *Islamic Law and Society* 10, no. 3 (2003).

branches in various regions throughout Indonesia. Each Religious Court consists of several judges, who are presided over by a Chief Religious Court.⁶⁵

The Religious Court has the authority to decide cases related to Islamic law, including: *First*, Marriage Cases which take care of the registration of marriages, divorces, and disputes arising from marriage. *Second*, the Inheritance Case which resolves disputes regarding the distribution of inheritance in accordance with Islamic law. *Third*, Sharia Economic Cases which handle cases related to financial and sharia-based business transactions. *Fourth*, Waqf and Zakat Cases which handle disputes related to waqf management and the collection and distribution of zakat. The judicial process in the Religious Court follows the legal procedure set by the Supreme Court. Parties who want to file a case can do so by submitting the lawsuit documents to the Religious Court. After registration, a trial process will be carried out, where the judge will listen to testimony from the plaintiff and the defendant, as well as relevant witnesses. The court's decision will be issued after going through a careful deliberation process.⁶⁶ Judges in the Religious Court function as case breakers as well as mediators. They are required to have a deep understanding of Islamic law, and be able to apply it in the context of the applicable positive law. The judge is also expected to provide a clear explanation to the parties involved regarding their rights and obligations in the legal process.⁶⁷

Although the Religious Courts have played an important role in resolving Islamic legal cases, there are still challenges that need to be addressed, such as the lack of public understanding of their procedures and rights in Islamic courts. In addition, there is a need to improve the quality of judges and human resources in the Religious Court in order to provide better services. The use of information technology also needs to be optimized to increase the efficiency and transparency of the judicial process. Religious Courts have a strategic role in realizing justice and order in society. Through the decisions taken, the Religious Courts not only resolve disputes, but also provide legal education to the public about the importance of Islamic law and their rights.⁶⁸

With a clear structure and regulated authority, the Religious Courts are expected to function effectively in providing justice and resolving the legal problems faced by Muslims in Indonesia.

⁶⁵ Zain Murtadlo, 'Important Cases in Religious Courts: Legal Analysis', *Journal of Islamic Law* 5, no. 1 (2016): 45–60.

⁶⁶ S. Syahrizal, 'The Implementation of Qanun Jinayah in the Judicial System in Aceh', *Ius Quia Iustum 22 Legal Journal*, no. 2 (2015): 284–303.

⁶⁷ Andi Akram, 'The History of Religious Justice in Indonesia', *Al-Manabij: Journal of Islamic Law Studies* 2, no. 1 (2008): 103–14. <https://doi.org/10.24090/mnh.v2i1.3699>

⁶⁸ Muhammad Siddiq Armia, 'The Contribution of the Indonesian Muslim Kingdom in the Development of Islamic Justice: An Analysis of the Historical Legal Approach', *Journal of Justice: Journal of Law, Legislation and Social Institutions* 2, no. 2 (2018): 172–89. <http://dx.doi.org/10.22373/justisia.v2i2.2653>

The existence of the Religious Court as an official Islamic judicial institution is an important step in realizing a fair and just legal system. The Syar'iyah Court is a judicial institution that specializes in handling cases related to Islamic law, especially in areas that have strong sharia traditions and applications, such as Aceh. The existence of the Syar'iyah Court is part of an effort to provide justice to the community based on Islamic law.⁶⁹

The Syar'iyah Court is regulated by Law Number 11 of 2006 concerning the Government of Aceh and Government Regulation Number 45 of 2010. The Syar'iyah Court functions as a judicial institution in Aceh that has the power to resolve legal cases based on sharia. The court consists of several judges, headed by a Chief Justice of the Syar'iyah Court, and has branches in various districts and cities in Aceh.⁷⁰ The Syar'iyah Court has the authority to decide various types of cases related to Islamic law, including Marriage Cases, Inheritance Cases, Jinayat Cases that adjudicate criminal acts regulated in Islamic law, including sharia violations such as adultery, theft, and acts that are considered to violate Islamic norms. And Sharia Economic Cases that handle disputes related to sharia-based financial transactions, such as debts and receivables and other economic issues. The judicial process in the Syar'iyah Court is similar to the process in other courts, where the parties to the dispute can file a lawsuit. After registration, the trial will be conducted by listening to testimony from the plaintiff and the defendant, as well as relevant witnesses. The Syar'iyah Court seeks to resolve the case by prioritizing mediation and deliberation before making a formal decision.⁷¹

Although the Syar'iyah Court plays an important role in resolving legal disputes in Aceh, there are still challenges faced, such as differences in understanding of sharia among the community and limited human resources in this institution. Increasing the capacity of judges and staff, as well as the use of technology in the judicial process, is an important step to increase the effectiveness of the Syar'iyah Court. The Syar'iyah Court plays an important role in providing legal education to the public about their rights in the Islamic justice system. With the decision taken, the Syar'iyah Court not only resolves disputes, but also builds public legal awareness regarding the importance of complying with sharia norms and rights in the context of Islamic law.⁷²

⁶⁹ Syahrizal, 'The Implementation of Qanun Jinayah in the Judicial System in Aceh'.

⁷⁰ Abdul Wahid, 'Legal and Social Challenges in Islamic Courts in Indonesia', *Journal of Law and Sharia* 10, no. 2 (2023): 134–50.

⁷¹ Ainur Redha, 'Synchronization of the Implementation of Islamic Sharia in Law Number 11 of 2006 concerning the Government of Aceh between the Government of Aceh and the Sharia Court', 2020.

⁷² Nashihul Abror, 'The Existence and Authority of the Syar'iyah Court in Prosecuting Acts of Jinayah in the Province of Nanggroe Aceh Darussalam', *Al-Jinayah: Journal of Islamic Criminal Law* 6, no. 1 (2020): 229–56. <https://doi.org/10.15642/aj.2020.6.1.229-256>

In addition to the Religious Court and the Sharia Court, there are several other judicial institutions that also play a role in dispute resolution and law enforcement in Indonesia. These institutions serve to address various aspects of the law that are not directly governed by Islamic law, but remain important in the context of law and justice. In addition to the judicial institutions described above, there are still judicial institutions in Indonesia, namely: *First*, the District Court is a judicial institution that handles various cases outside the jurisdiction of the Religious Court and the Sharia Court. This court has the authority to handle criminal and civil cases, including disputes involving individuals or entities that are not bound by Islamic law.⁷³

Although this court does not specifically rule cases based on sharia, its ruling can affect the lives of Muslims in Indonesia. *Second*, the State Administrative Court (PTUN). The PTUN functions to handle disputes between the public and the government, especially those related to public administration decisions. In the context of Islamic law, the PTUN can be involved in disputes related to sharia regulations or government policies that have an impact on the application of Islamic law in society. For example, disputes regarding permits for the establishment of Islamic-based educational institutions or the implementation of religious activities. *Third*, the Indonesian National Arbitration Board (BANI). BANI is an institution that provides arbitration services for the resolution of business disputes, including disputes related to Islamic financial transactions. Although not an official judicial institution, BANI offers alternative mechanisms for faster and more efficient dispute resolution, especially in the context of business based on sharia principles. *Fourth*, the Military Court. Military Courts are authorized to handle cases involving members of the armed forces. Although the main focus of this court is on military criminal cases, there is a possibility of cases related to sharia issues involving members of the military who are Muslims. In this case, the judicial process must still respect the norms of Islamic law. *Fifth*, the Mediation and Conciliation Institution.

In addition to formal judicial institutions, there are also institutions that offer mediation and conciliation services to resolve disputes. These institutions usually consist of scholars and community leaders who are experienced in Islamic law. They serve as mediators who help the disputing parties to reach an agreement without having to go through a formal judicial process. This mediation is highly recommended in Islamic law as an effort to resolve conflicts peacefully. *Sixth*, Non-Governmental Legal Institutions. In addition to formal institutions, there are also non-governmental organizations (NGOs) that focus on human rights advocacy and the fulfillment of

⁷³ F. Fathurrahman, *Reformasi Hukum Islam Di Indonesia: Studi Terhadap Perkembangan Peradilan Agama* (Jakarta: Kencana, 2019).

people's legal rights, including in the context of sharia. These NGOs often provide legal assistance to communities in need, as well as support legal counseling on the rights of individuals in the justice system.⁷⁴

With various judicial institutions and alternative dispute resolution available, people have more options to seek justice. Each institution has its own roles and responsibilities, and can complement each other in creating a fair and equitable justice system in Indonesia. Coordination and collaboration between these institutions is essential to ensure that the principles of law and justice can be applied effectively in society. The court process in the Religious Court has established procedures to ensure that every case submitted can be resolved fairly and transparently. This process includes several stages, starting from case registration to final decision. The following are the details of the stages in the court process at the Religious Court:⁷⁵

First, Case Registration. The initial stage in the court process is the registration of the case. The party who wants to file a lawsuit (the plaintiff) must prepare and submit a complete lawsuit document to the Religious Court. This document must include the identities of the plaintiff and the defendant, the object of the dispute, and the arguments or legal reasons underlying the lawsuit. After the documents are checked and declared complete, the case will be registered and given a case number.⁷⁶

Second, the summoning of related parties. After registration, the Religious Court will issue a summons letter for the defendant. This letter contains information about the time and place of the first meeting. The defendant is required to attend the hearing and provide a response or answer to the lawsuit filed. *Third, the First Session.* In the first hearing, the judge will examine the presence of the parties involved. If both parties are present, the judge will begin the mediation process with the aim of reaching a peaceful agreement. If the mediation is successful, then the court process can be terminated with an agreement outlined in the minutes of the event. If mediation is unsuccessful, the trial will proceed to the case examination process.

Fourth, Case Examination. At this stage, the judge will listen to the testimony of the plaintiff and the defendant. Both sides are given the opportunity to present arguments, present evidence, and present relevant witnesses. The examination process is conducted openly, and the judge will ask questions to dig deeper into the facts at hand. *Fifth, Replica and Duplicate.* After the

⁷⁴ I. Maulidi, *Islamic Society and Justice: A Case Study in Religious Courts* (Bandung: Alfabeta, 2021).

⁷⁵ Ministry of Religion of the Republic of Indonesia, *Guidelines for the Implementation of Religious Courts* (Jakarta: Ministry of Religious Affairs, 2014).

⁷⁶ M. Anwar, 'Dispute Resolution through Mediation in Islamic Law', *Journal of Law and Development* 37, no. 2 (2017): 123–45.

examination, the plaintiff can provide a replica or response to the defendant's answer, and the defendant can provide a duplicate in response to the replica. This process aims to provide an opportunity for both parties to strengthen arguments and respond to each other's claims.

Sixth, the judge's decision. After the entire examination process is completed, the judge will conduct deliberation to make a decision. The judge's decision is taken based on the consideration of the facts revealed in the trial and the applicable legal provisions. This decision will be read out in an open hearing and recorded in the minutes of the hearing. *Seventh*, Providing a Copy of the Decision. After the verdict is read, a copy of the verdict will be given to both parties. Parties who are dissatisfied with the decision may appeal to the High Court of Religion within a certain period of time in accordance with the applicable provisions. *Eighth*, Implementation of Decisions. If no party appeals, the decision of the Religious Court becomes *inkracht* (binding and inviolable). Furthermore, the decision must be implemented. The Religious Court can supervise the implementation of the decision to ensure that the decisions taken are complied with by the parties involved. The court process in the Religious Court is designed to create justice and provide legal protection for Muslims in the settlement of cases related to Islamic law. Through this process, it is hoped that the community can better understand their rights and obligations, as well as get better access to justice.⁷⁷

The Development of Religious Courts and the Reactualization of Islamic Law in Indonesian Muslim Society

Since the enactment of Law Number 7 of 1989 concerning Religious Courts, religious courts have undergone several changes to adjust to the needs of the community.⁷⁸ Significant changes occurred with the passage of Law No. 3 of 2006 and Law No. 50 of 2009, which expanded the authority of religious courts, including in the settlement of sharia economic disputes.⁷⁹ The religious court is one of the judicial institutions in Indonesia that has the authority to handle certain cases, especially those related to Islamic law. Along with the times, the religious courts have undergone various changes both in terms of regulation, authority, and the implementation of Islamic law in the national judicial system.⁸⁰

⁷⁷ Ria Delta, 'Qanun in the Indonesian Legal System', 2023.

⁷⁸ Achmad Fauzi, 'The Academic Responsibility of the Faculty of Sharia in the Perspective of UU No. 3 of 2006', *Al-Mawarid: Journal of Islamic Law* 18 (2008).

⁷⁹ Delta, 'Qanun in the Indonesian Legal System'.

⁸⁰ Umar Al Faruq et al., 'The Development of Islamic Reform in Indonesia', *Relinesia: Journal of Indonesian Religious Studies and Multiculturalism* 3, no. 3 (2024): 94–105.

Religious courts in Indonesia have undergone a long evolution. Before independence, religious courts were only informal and did not have a strong legal foundation. However, after Indonesia's independence, religious courts began to gain legitimacy through various regulations, such as Law Number 7 of 1989 concerning Religious Courts, Revision through Law Number 3 of 2006, and the last amendment through Law Number 50 of 2009. This change in regulation expands the authority of the religious court, which initially only handled marriage, inheritance, and grant cases, to a broader scope to include the sharia economy. This shows the adaptation of the religious courts to the needs of the Muslim community in Indonesia. Islamic law in the religious justice system is implemented in various aspects, such as Islamic law applied in cases of divorce, polygamy, marriage guardianship, and others in accordance with the Compilation of Islamic Law (KHI). The implementation of Islamic inheritance law is carried out based on the provisions of inheritance fiqh with reference to KHI.⁸¹

With the development of the Islamic economic system, the religious courts now also handle sharia economic disputes, such as sharia banking and sharia-based transactions, although the religious courts continue to develop, there are several challenges faced, including in some cases, Islamic law needs to be harmonized with national law so that there is no overlap in its implementation seen from the quality and understanding of judges of Islamic law and national law needs to be improved through education and training and not all parties understand the role of religious justice, so socialization about its authority and benefits needs to be increased.⁸²

On the other hand, the prospects for religious justice in Indonesia are promising, especially with the increasing need of the Muslim community for justice based on Islamic law. With the ongoing legal reforms, the religious courts are expected to be more professional, transparent, and accountable. Furthermore, the development of religious justice in Indonesia shows positive dynamics in accommodating the needs of Islamic law in society. With the support of stronger regulations and wider authorities, the implementation of Islamic law in religious courts is increasingly structured.⁸³

However, challenges in terms of legal synchronization, the quality of judges, and public understanding remain major concerns. Therefore, increasing institutional capacity and human

⁸¹ M Yahya Harahap, 'The Position of Authority and Proceedings of Religious Justice Law No. 7 of 1989 Second Edition', 2003.

⁸² Diana Rahmi, 'The Scope of Religious Judicial Authority in Adjudicating Sharia Economic Disputes', *Sharia: Journal of Law and Thought* 13, no. 2 (2013).

⁸³ Andi Intan Cahyani, 'Religious Courts as Enforcers of Islamic Law in Indonesia', *Al-Qadau Journal: Islamic Family Justice and Law* 6, no. 1 (2019): 119–32. <https://doi.org/10.24252/al-qadau.v6i1.9483>

resources is the main key in strengthening religious courts in the future. The prospects for Religious Justice in Indonesia are increasingly promising in line with the increasing need of the Muslim community for a judicial system based on Islamic law. As an institution that has a strategic role in resolving various religious cases, the Religious Court continues to experience significant development.⁸⁴

Legal reforms that continue to be carried out by the government and related institutions are expected to strengthen professionalism, transparency, and accountability in the judicial system, thereby further giving trust to the public. The development of the Religious Courts in Indonesia reflects positive dynamics in accommodating the needs of Islamic law in society. With the support of increasingly strong regulations, such as the Religious Courts Law and various implementing rules, as well as the wider authority, the implementation of Islamic law in the judiciary has become more structured. This can be seen from the expansion of the scope of authority of the Religious Court, which not only handles marriage, inheritance, and waqf cases, but also includes sharia economic law.⁸⁵

However, there are still challenges that need serious attention. One of the main challenges is the legal synchronization between the national legal system and Islamic law, especially in ensuring harmony between regulations sourced from sharia and generally applicable laws and regulations. In addition, the quality of judges and religious court officials is also a crucial factor in ensuring professional justice and integrity. The public's understanding of the role of the Religious Court also still needs to be improved so that they can make optimal use of the available legal services.⁸⁶

Therefore, increasing institutional capacity and human resources is the main key in strengthening the Religious Courts in the future. Strengthening training for judges, improving the judicial management system, and utilizing technology in legal services are strategic steps to ensure that the Religious Courts can continue to adapt to the increasingly complex needs of society. With these efforts, the Religious Courts in Indonesia will be able to provide justice based on Islamic law in a more effective, responsive, and reliable manner.⁸⁷

⁸⁴ SH Sulaikin Lubis, *Hukum Acara Perdata Peradilan Agama Di Indonesia* (Kencana, 2018).

⁸⁵ Yusna Zaidah, 'Tsbat Nikah in the Perspective of the Compilation of Islamic Law in Relation to the Authority of Religious Courts', *Sharia: Journal of Law and Thought* 13, no. 1 (2013).

⁸⁶ Abdullah Tri Wahyudi, 'The Absolute Authority of Religious Courts in Indonesia during the Dutch Colonial Period to the Post-Reform Period', *YUDISIA: Journal of Islamic Legal and Legal Thought* 7, no. 2 (2016): 285–304. <http://dx.doi.org/10.21043/yudisia.v7i2.2156>

⁸⁷ Kharisma Galu Gerhastuti and Herni Widanarti Yunanto, 'The Authority of District Courts and Religious Courts in Child Adoption by Muslims', *Diponegoro Law Journal* 6, no. 2 (2017): 1–12. <https://doi.org/10.14710/dlj.2017.17376>

Developments and Challenges of Islamic Courts in Indonesia

The Islamic justice system in Indonesia faces complex challenges, both legal and social. These challenges affect the effectiveness, credibility, and acceptance of the Islamic justice system among the public. Here are some of the main challenges faced:⁸⁸ *First*, Differences in Legal Interpretation. Islamic law has a variety of interpretations that can vary depending on the sect and the views of the scholars. These differences can lead to legal uncertainty and disputes regarding the application of Islamic law in different contexts. A lack of agreement among judges and legal practitioners regarding proper interpretation can result in inconsistent rulings.

Second, Integration with Positive Law. The integration of Islamic law with positive Indonesian law is a significant challenge. Arrangements regarding the application of Islamic law in the context of national law often experience overlap and ambiguity. This can lead to conflicts between sharia principles and state law, especially in cases involving social and economic aspects. *Third*, limited resources. Religious Courts and Sharia Courts often face limited human and financial resources. The lack of competent and trained judges in Islamic law can affect the quality of judgments and public services. In addition, inadequate infrastructure can also hinder people's access to justice.

Fourth, Social Challenges. People's perceptions of the Islamic justice system can vary, depending on their level of understanding of Islamic law and the judicial process. People who are less educated about their rights and obligations in the Islamic justice system may feel hesitant or afraid to use the Religious Courts. Therefore, there is a need for more effective education and socialization efforts regarding the Islamic justice system. The Islamic justice system often faces stigma and negative stereotypes, which can harm the public's image and trust in these institutions. Some people may think that the Islamic judiciary is unfair or non-transparent. Efforts to improve this image require cooperation between the government, ulama, and the public to build trust in the judicial system.

Differences in Culture and Tradition, this is that Indonesia is a country rich in cultural diversity and traditions. In some cases, local values or the culture of the community may conflict with the principles of Islamic law. This can create conflicts in the application of the law and make it difficult for people to accept court decisions that are considered not in line with their cultural norms. The Islamic judiciary in Indonesia has undergone significant development in line with the social, political, and legal changes that have occurred in society. This process involves structural

⁸⁸ Zainal Ali, *Islamic Family Law in Indonesia* (Jakarta: Rajawali Press, 2020).

and substantive transformations in the implementation of Islamic law, aiming to improve the accessibility, justice, and effectiveness of the justice system.

Here are some important aspects in the development of Islamic justice in Indonesia: ⁸⁹ *First*, Improving the Quality of Judicial Services. Education and Training of Judges. One of the important steps in the development of Islamic justice is to improve the quality of human resources, especially judges in Religious Courts. Various education and training programs have been implemented to strengthen judges' understanding of Islamic law, judicial procedures, and professional ethics. This is so that judges can give fair decisions and in accordance with sharia principles. Application of Information Technology. Islamic judiciary is increasingly adopting information technology in administrative and trial processes. The use of the judicial information system (SIPP) and electronic courts (e-court) makes it easier for the public to access information about cases and judicial processes. This technology also increases transparency and accountability in case management.

Second, increased accessibility. Establishment of Religious Court Branches. To improve accessibility, the government has established branches of Religious Courts in various areas, including remote areas. This is so that people who live far from the city center can easily access judicial services. With this branch, it is hoped that the legal rights of the community can be fulfilled better. *Second*, free legal services. Various initiatives have been undertaken to provide free legal services to the underprivileged. These legal aid programs help overcome economic constraints that often deter individuals from taking cases to court.

Third, the Integration of Islamic Law in the National Legal System. Ratification of Laws and Regulations. The ratification of laws and regulations that support the application of Islamic law, such as Law Number 1 of 1974 concerning Marriage and Law Number 23 of 2004 concerning the Elimination of Domestic Violence, is an important step in the integration of Islamic law with positive Indonesian law. This regulation provides a stronger legal basis for the implementation of Islamic law in a broader context. Inter-Religious and Cultural Dialogue. The development of Islamic justice is also driven by inter-religious and cultural dialogue that is carried out to build understanding and tolerance in society. This effort contributes to the harmonization of the application of Islamic law with local values and existing social norms.

Fourth, Policy and Regulation Development. Establishment of Syar'iyah Court in Aceh. The establishment of the Syar'iyah Court as a judicial institution that specializes in handling Islamic

⁸⁹ Ahmad Fathoni, 'The Development of the Islamic Judicial System in Indonesia: Challenges and Opportunities', *Al-Syir'ab Scientific Journal* 17, no. 1 (2019): 77–94.

legal cases in Aceh shows a step forward in the recognition and application of sharia law at the local level. The Syar'iyah Court has the authority to adjudicate various cases based on Islamic law, including issues of jinayat, marriage, and inheritance. Sharia-Based Legal Development Policy. Some regions in Indonesia, especially those with a Muslim majority, have begun to develop more specific sharia-based legal policies. This includes regulations related to sharia economics, education, and public services that adhere to the principles of Islamic law.

Fifth, Challenges in the Development of Islamic Justice. Obstacles to Implementation and Law Enforcement. Although much progress has been made, challenges in implementation and enforcement remain. Differences in understanding and interpretation of Islamic law, as well as limited resources, often hinder the effectiveness of the justice system. Public Perception. Public perception of Islamic justice also affects its development. Efforts to increase public understanding and trust in the Islamic justice system need to be made so that the public feels comfortable and confident to use the existing judicial channels.

The transformation of Islamic justice in Indonesia is part of the dynamics of national law that is rooted in the integration between formal juridical norms and the socio-cultural practices of Muslims. Islamic courts, which are institutionally formalized in the form of Religious Courts and Sharia Courts, not only practice law in a positivistic framework, but also represent the religious values and local wisdom that live in society. In practice, the Islamic judicial system is faced with the challenge of legal dualism: on the one hand, it is subject to the national legal structure determined by laws and constitutions; On the other hand, he is required to remain adaptive to local values and socio-religious dynamics. Law No. 7 of 1989 which was later amended by Law No. 3 of 2006 and Law No. 50 of 2009 is an important juridical foundation that regulates the authority and institution of the Religious Court, as well as opening up space for the strengthening of Islamic law in the corridor of the Indonesian legal state.

However, the integration between juridical norms and socio-cultural traditions has not been fully harmonious. In many cases, there is still tension between legal formalism and social reality. For example, the interpretation of fiqh norms is often not fully aligned with the needs of justice in a complex and plural contemporary society. Likewise, the uneven quality of human resources in the religious justice environment and the limited public access to responsive justice are separate obstacles in optimizing the role of Islamic Courts.

In addition, the influence of modernization and the Industrial Revolution 4.0 has also added a new dimension of challenges. Changes in lifestyles, digitization of legal documents, and the emergence of new forms of family disputes and sharia economics require a rereading of the

substance and mechanisms of Islamic law to remain contextual. In this context, the dynamic reactualization of sharia values without losing their normative substance is an inevitable necessity. Thus, the transformation of Islamic justice in Indonesia can be understood not only as a legal-formal process, but also as a social process that demands harmony between law, culture, and substantive justice. Strengthening regulations, increasing institutional capacity, and developing Islamic legal paradigms that are responsive to social realities are strategic steps towards an integrative, inclusive, and equitable Islamic justice system.

Conclusion

The transformation of Islamic justice in Indonesia is a dynamic process that reflects integrative efforts between formal juridical norms and socio-cultural traditions of the community. Islamic Judiciary, through institutions such as the Religious Court and the Syar'iyah Court, not only functions as an instrument of state law, but also as a forum for the actualization of sharia values that live in society. Although it has undergone significant developments, challenges in the form of differences in interpretation, limited resources, and social changes due to modernization show the importance of reactualizing Islamic law in a contextual and adaptive manner. Therefore, it is necessary to strengthen regulations, develop institutional capacity, and re-read Islamic legal values so that Islamic justice remains relevant and effective in answering contemporary legal problems in Indonesia.

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