

RECONSTRUCTION OF POLITICAL THEORY OF ISLAMIC LAW IN THE CONTEXT OF LEGAL PLURALISM IN INDONESIA

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Abstract

This research is motivated by the dynamics of the relationship between Islamic law and national law in the context of legal pluralism in Indonesia. The plurality of legal systems that include customary law, Islamic law, and positive law poses conceptual and practical challenges in realizing substantive justice. The politics of Islamic law is often perceived as merely an attempt to formalize sharia, even though historically and theoretically it has great potential to become an ethical and moral instrument in the formation of national law. Therefore, this study aims to reconstruct the political theory of Islamic law in order to be able to adapt to the reality of legal pluralism without losing the values of maqāṣid al-syarī'ah.

The research method used is a juridical-normative approach with descriptive qualitative analysis of primary and secondary legal sources, including laws and regulations, fiqh siyasah literature, and modern legal political theory. The analysis is carried out through historical, philosophical, and conceptual approaches to trace the evolution of political ideas of Islamic law in the context of modern statehood.

The results of the study show that the political theory of Islamic law needs to be reconstructed from a formalist paradigm to a substantive paradigm by emphasizing the principles of benefit, social justice, and the protection of citizens' rights. This reconstruction places Islamic law not as an exclusive system, but as a source of inclusive and dialogical value in the national legal system. Thus, Islamic legal politics in Indonesia can play an active role in strengthening the ethics of legislation and constitutional moral consistency in the midst of legal pluralism.

Keywords: *Islamic Legal Politics, Reconstruction, Maqāṣid Al-Syarī'ah, Legal Pluralism, Substantive Justice.*

INTRODUCTION

The relationship between law and politics in Islam is a central theme that has been discussed from classical to contemporary times. In the modern context, Islamic legal politics not only serves as a normative instrument that governs public life, but also as a reflective means of assessing the extent to which sharia values are applied in state policies. In Indonesia, Islamic legal politics has a strategic position in bridging the ideals of Islamic teachings with the reality of the pluralistic legal system.¹

¹ Ahmed Ali Siddiqi "Moral Epistemology And The Revision Of Divine Law In Islam | Oxford Journal Of Law And Religion | Oxford Academic," Accessed October 17, 2025, <https://Academic.Oup.Com/Ojlr/Article->

However, most political studies of Islamic law in Indonesia are still descriptive and have not critically reviewed the implementation of the values of justice and benefit. In the context of legal pluralism, Islamic law is often faced with compromises with national and customary laws. Therefore, there needs to be a reconstructive approach that places *maqāṣid al-syarī'ah* as a paradigm to test the effectiveness of Islamic legal policies in Indonesia.

In the Indonesian context, legal pluralism is a characteristic of the national legal system that recognizes the simultaneous existence of customary law, national law, and Islamic law. However, the interaction of the three often gives birth to normative and implementive disharmony problems. The politics of Islamic law should ideally be present not only to provide sharia legitimacy, but also to test the consistency of the principles of justice and *maslahah* in national legal policies. This is what makes the reconstruction of the political theory of Islamic law urgent in the context of Indonesia.²

In the discourse of law and politics, the relationship between the two has been the subject of in-depth study from the classical to the contemporary era. Politics, as an instrument of public decision-making, is often a space for the implementation of legal values that aim to regulate people's lives. On the other hand, the law gives normative legitimacy to political policies, so the two cannot be separated.³ In the context of Muslim society, Islamic law (*sharia*) serves not only as an ethical and moral framework, but also as a normative foundation that influences political dynamics and public policy. Thus, understanding the interaction between law and politics within the framework of Islam is becoming increasingly relevant, especially in the midst of the challenges of modernization and globalization.⁴

Islamic law, which is based on the Qur'an, Sunnah, and Islamic intellectual traditions, has long been one of the main pillars in shaping the legal system in Muslim-majority countries. However, its implementation is not only static, but continues to evolve along with social, political, and cultural changes.⁵ Historically, Islamic legal politics has played a strategic role in shaping fair and inclusive public policy, although in practice it often faces complex dynamics. Therefore, the study of the political theory of Islamic law is important to understand how the values of Islamic law can be applied contextually without ignoring the universal principles contained in them.⁶

² Ahmed Gad Makhlof, "Continuity And Change Of Traditional Islamic Law In Modern Times: Tarjih As A Method Of Adaptation And Development Of Legal Doctrines," *Oxford Journal Of Law And Religion* 12, No. 1 (2023): 55–74, <https://doi.org/10.1093/Ojlr/Rwad010>.

³ Eirik Hovden, "Understanding And Framing Change In Islamic Law: Potentials And Possible Pitfalls Of The Concepts Of Canonization And Codification," *Oxford Journal Of Law And Religion* 12, no. 3 (2023): 289–313, <https://doi.org/10.1093/Ojlr/Rwae020>.

⁴ "Religious Trends Among Arab Muslims, 2010–2022: Continued Revival, Polarization, or Burgeoning Secularization?" - Arman Azedi, 2025," Accessed August 9, 2025, <https://journals.sagepub.com/doi/10.1177/00207152251319750> Int.Sj-Full-Text.Similar-Articles.2=&Utm_Source=Chatgpt.Com.

⁵ "Understanding And Framing Change In Islamic Law: Potentials And Possible Pitfalls Of The Concepts Of Canonization And Codification | Oxford Journal Of Law And Religion | Oxford Academic," Accessed August 9, 2025, https://academic.oup.com/Ojlr/Article/12/3/289/7698132?Utm_Source=Chatgpt.Com&Login=False.

⁶ Gad Makhlof, "Continuity And Change Of Traditional Islamic Law In Modern Times."

In the midst of the modern era, the urgency to bridge the Islamic legal tradition with the needs of the global community is increasingly felt. The legal systems applied in various Islamic countries show variations in understanding and implementing sharia values, depending on the social and political context of each.⁷ Therefore, the political theory of Islamic law becomes an essential analytical tool to explore how Islamic law can provide solutions to contemporary issues such as social justice, legal pluralism, and human rights. In this effort, an in-depth and systematic study of the relationship between law and politics in Islam is expected to make a significant contribution.⁸

DISCUSSION

A. The Theoretical Basis of Islamic Law

The political theory of Islamic law is rooted in the view that law is the main instrument in achieving social justice and the public benefit. Al-Mawardi in *Al-Ahkam al-Sultaniyyah* emphasized the importance of law as a means of upholding justice under legitimate political leadership. Ibn Khaldun added that political stability is inseparable from the rule of law. In this context, Islamic law is not just a normative system, but an ethical mechanism that organizes power to be oriented towards benefits.⁹

In modern discourse, thinkers such as Rashid Rida and Yusuf al-Qaradawi emphasize the need for political reform of Islamic law to fit the dynamics of modern society. They highlight the importance of *maqāsid al-syarī'ah* as a foundation in the legislative and public policy process. Thus, the politics of Islamic law must be seen as a dynamic system capable of adapting to legal pluralism, without losing its principle of justice.¹⁰

In addition, the political theory of Islamic law can be understood through the perspective of contextual *maqāsid*, where the principles of justice ('adl) and benefit (maslahah) are not only ideal, but must be operationalized in public policy. With this paradigm, Islamic law can be an ethical force that drives social reform and strengthens the legitimacy of national law within the framework of substantial justice.¹¹

Therefore, the politics of Islamic law is not only a theoretical framework, but also a moral roadmap that guides state policies to favor social justice. The reconstruction

⁷ "Volume 19 Issue 5 | International Journal Of Constitutional Law | Oxford Academic," Accessed August 9, 2025, https://academic.oup.com/icon/issue/19/5?utm_source=chatgpt.com&login=false.

⁸ "(pdf) A Theory Of A State? How Civil Law Ended Legal Pluralism In Modern Egypt," Accessed August 9, 2025, https://www.researchgate.net/publication/358437468_A_Theory_Of_A_State_How_Civil_Law_Ended_Legal_Pluralism_In_Modern_Egypt.

⁹ Christian Fuchs, "Ibn Khaldūn And The Political Economy Of Communication In The Age Of Digital Capitalism," *Critical Sociology* 50, Nos. 4–5 (2024): 727–45, <https://doi.org/10.1177/08969205231206488>.

¹⁰ Tawffeeq A. S. Mohammed "Frontiers | A Scientometric Study Of Maqasid Al-Shariah Research: Trending Issues, Hotspot Research, And Co-Citation Analysis," Accessed October 17, 2025, https://www.frontiersin.org/journals/research-metrics-and-analytics/articles/10.3389/frma.2024.1439407/full?utm_source=chatgpt.com.

¹¹ Necmeddin Güney, "Maqāsid Al-Sharī'A In Islamic Finance: A Critical Analysis Of Modern Discourses," *Religions* 15, No. 1 (2024): 114, <https://doi.org/10.3390/Rel15010114>.

of his theory in Indonesia is important to ensure that the values of maqāṣid do not stop at the rhetorical level, but really become the spirit of public policy.

The politics of Islamic law is no longer sufficiently understood as a conceptual framework that explains the relationship between Islamic law (sharia) values and political practice in the formation of public policy. The classical paradigm that places Islamic legal politics only as a normative legitimacy for state power needs to be reconstructed towards an integrative paradigm oriented towards substantive justice and the public benefit (*al-'adl wa al-maṣlaḥah al-'āmmah*). In this new paradigm, the politics of Islamic law not only formulate laws based on sharia texts, but also operationalize the values of maqāṣid al-syarī'ah in every stage of policy: from formulation, implementation, to evaluation of public policies.¹²

Thus, the politics of Islamic law must be seen as a dynamic and responsive theoretical model, namely a system that combines the authority of revelation with the rationality of public policy. This model departs from a critique of normative-textual approaches that tend to ignore social context and legal plurality. Rather, this reconstructive approach places the maqāṣid as an analytical instrument to assess the extent to which a policy reflects substantive justice and the protection of the social rights of citizens. With this framework, Islamic law no longer stops at moral or ritual functions, but develops into political ethics and Islamic public policy theories that are relevant to modern governance, including in the context of Indonesian legal pluralism.

This idea offers a reconstruction of the political theory of Islamic law by shifting the focus from "shari'a legitimacy of power" to "transformation of sharia values into social justice policies". This integrative model is inspired by the contextual maqāṣid approach as developed by Jasser Auda (2008) and reinforced by Ahmed Gad Makhlof (2023) who emphasizes the flexibility of Islamic law in responding to changing times. In the Indonesian context, this model can be applied to examine the effectiveness of the Religious Justice Law, the Marriage Law, as well as zakat policies and sharia economics, as concrete instruments for the implementation of maqāṣid al-syarī'ah in the national legal system.

From a theoretical perspective, the politics of Islamic law is rooted in a rich tradition of Islamic thought that discusses the role of the state and law in realizing social justice. Classical thinkers such as Al-Mawardi in *Al-Ahkam al-Sultaniyyah* emphasized the importance of law as an instrument for upholding justice under legitimate political authority. Similarly, Ibn Khaldun highlights the symbiotic relationship between political power and the application of the law to maintain the stability of society. This perspective was later reinforced by modern thought, such as that proposed by Rashid Rida, who underlined the need for political reform to make Islamic law relevant to the challenges of the times.¹³

The political relevance of Islamic law is not only limited to theory, but also an important analytical tool in understanding the dynamics of relations between religion and state in the contemporary Muslim world. The politics of Islamic law

¹² "Legal Politics Of Religious Moderation And State Defense Policy At Public Universities | Islamic Justice," Accessed August 9, 2025, https://jurnal.iainponorogo.ac.id/index.php/Justicia/Article/View/9242?utm_source=Chatgpt.Com.

¹³ "Al-Mawardi's Paradigmatic Theory Of Politics: Imamah Or Khilafah In Theory & Practice | Journal Of Creative Writing (Issn-2410-6259)," Accessed August 9, 2025, https://jocw.itc.edu.bd/index.php/jocw/Article/View/69?utm_source=Chatgpt.Com.

offers a unique view of how sharia values can be integrated into the modern legal system without neglecting universal principles such as justice, humanity, and equality.¹⁴ For example, in the context of globalization, the politics of Islamic law have the potential to bridge the gap between Islamic legal traditions and international standards that are often considered conflicting. Thus, this concept has become very relevant to answer the challenge of legal pluralism in the modern era.¹⁵

In addition, the politics of Islamic law is also an interesting topic in academic studies because of its complexity in accommodating differences in legal interpretations among Islamic schools. A wide range of approaches, ranging from traditional to progressive, show how the political concept of Islamic law continues to evolve to address contemporary issues. This difference of views reflects the flexibility of Islamic law in the face of dynamic social realities. Therefore, the politics of Islamic law is not only a normative study, but also a practical study that is relevant in various contexts of Muslim society.¹⁶

With a broad and multidimensional framework of thought, Islamic legal politics has a strategic role in directing legal development based on the values of justice and welfare. In this context, the politics of Islamic law is not only a tool to understand the history and traditions of Islamic law, but also a guide in creating an inclusive and sustainable legal system. Therefore, the study of the political meaning of Islamic law is not only academic, but also practical, making a real contribution in answering the needs of the Muslim community in the midst of global changes.¹⁷

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا .

"Indeed, Allah has commanded you to convey the trust to its owner. When you establish the law among men, you shall establish it justly. Indeed, Allah has given you the best teaching. Indeed, Allah is All-Hearing and All-Seeing. (QS. (Fig. 58) 18

B. The Political Basis of Islamic Law

The four main principles of Islamic law politics include justice ('adl), benefit (maslahah), ijtihad, and political ethics. The principle of justice is the main basis for every legal policy to ensure equality of rights and obligations of citizens. This

¹⁴ "Islam And Constitutional Law (Chapter 19) - Buddhism And Comparative Constitutional Law," Accessed August 9, 2025, https://www.cambridge.org/core/books/buddhism-and-comparative-constitutional-law/islam-and-constitutional-law/17c6f64060962a75d71f5475f6918689?utm_source=Chatgpt.Com.

¹⁵ "Understanding And Framing Change In Islamic Law: Potentials And Possible Pitfalls Of The Concepts Of Canonization And Codification | Oxford Journal Of Law And Religion | Oxford Academic."

¹⁶ "A Theory Of A State? How Civil Law Ended Legal Pluralism In Modern Egypt | Journal Of Law And Religion | Cambridge Core," Accessed August 9, 2025, https://www.cambridge.org/core/journals/journal-of-law-and-religion/article/theory-of-a-state-how-civil-law-ended-legal-pluralism-in-modern-egypt/1b80442cd5685a8238d57b438ee018ab?utm_source=Chatgpt.Com.

¹⁷ Clark Lombardi And Nathan Brown, "Do Constitutions Requiring Adherence To Shari`A Threaten Human Rights? How Egypt's Constitutional Court Reconciles Islamic Law With The Liberal Rule Of Law," *Articles* 21 (January 2005): 379.

¹⁸ "Qur'an Ministry of Religion," Accessed July 5, 2025, <https://quran.kemenag.go.id/quran/per-ayat/surah/33?from=1&to=73>.

principle is reflected in the Qur'an surah An-Nisa: 58 which emphasizes the necessity of upholding justice without discrimination.¹⁹

The principle of benefit (maslahah) provides flexibility for Islamic law in responding to the challenges of the times. The application of the law must be directed to create public welfare, as seen in the zakat and Islamic banking policies in Indonesia. However, challenges arise when the implementation of maslahah is often constrained by bureaucracy and lack of social awareness, so that policy effectiveness has not been maximized.²⁰

The principle of ijthad has a strategic role in ensuring that Islamic law remains relevant to the modern context. Through ijthad, policymakers and scholars can reinterpret legal principles according to the needs of the community. In the Indonesian context, ijthad is a means to reinterpret Islamic law in a pluralistic democratic system.²¹

Political ethics in Islam emphasizes integrity, trust, and social responsibility in decision-making. The application of this principle is very important in dealing with the crisis of public trust in legal institutions. By prioritizing political ethics, the politics of Islamic law can strengthen the moral legitimacy of the state and increase substantive justice.

One of the main principles in the politics of Islamic law is justice (*al-'adalah*), which is the normative foundation in the formation and implementation of law. In the Islamic view, justice includes a balanced distribution of rights and obligations, equal treatment before the law, and protection of the weak. The Qur'an emphasizes the importance of justice in various verses, such as in the Qur'an. An-Nisa: 58,²²

This verse emphasizes the importance of upholding justice and trust in every decision taken, whether in the context of government, law, or social life that commands humans to uphold justice regardless of social status or affiliation. In the context of legal politics, the principle of justice requires policymakers to ensure that every legal policy is not only legal, but also ethical and in accordance with human values.²³

The Qur'an as a guide for life for Muslims provides a comprehensive guide on justice, unity, and law. Each verse in the Qur'an contains wisdom and direction that is relevant to the personal and social life of Muslims,²⁴ including in understanding the concepts of law and sharia. In this context, Surah Al-Maidah verse 48 explains how Islamic law was revealed as part of Allah's mercy and guidance, while also

¹⁹ Necmeddin Güney, "Maqāsid Al-Shari'A In Islamic Finance: A Critical Analysis Of Modern Discourses," *Religions* 15, No. 1 (2024): 114, <https://doi.org/10.3390/Rel15010114>.

²⁰ Siti Mujiatun "The Impact Of Marketing Communication And Islamic Financial Literacy On Islamic Financial Inclusion And Msmes Performance: Evidence From Halal Tourism In Indonesia," Accessed October 17, 2025, https://www.mdpi.com/2071-1050/15/13/9868?utm_source=

²¹ Shahan Whyte "Are fatwas dispensable? Examining The Contemporary Relevance And Authority Of Fatwas In Australia | Oxford Journal Of Law And Religion | Oxford Academic," Accessed October 17, 2025, https://academic.oup.com/ojlr/article/11/2-3/314/6965701?login=False&utm_source=

²² Ahmed Gad Makhlof, "Evolution Of Islamic Law In The 20th Century: The Conception Of Collective Ijtihad In The Debate Between Muslim Scholars," *Oxford Journal Of Law And Religion*, No. Volume 9, Issue 1 (2020): 157–78.

²³ "Volume 19 Issue 5 | International Journal Of Constitutional Law | Oxford Academic," Accessed August 9, 2025, https://academic.oup.com/icon/issue/19/5?utm_source=Chatgpt.Com&login=False.

²⁴ Maedi, Muhammad Iman. *The Values of Multiculturalism in the Qur'an: A Case Study of Tafsir Al-Misbah*. Ms. Thesis. Uin Syarif Hidayatullah Graduate School, Jakarta, 2021.

emphasizing the importance of following the revealed truth. This verse also contains important principles in carrying out the law with a fair and responsible attitude.²⁵

The Qur'an explains in surah Al Maidah [5]: 48.

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَاحْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ فَاسْتَبِقُوا الْخَيْرَاتِ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ

"We have sent down the Holy Book (the Qur'an) to you (the Prophet Muhammad) with the truth as the corrector of the books that were revealed before and as the guardian of them. So decide them according to the rules that Allah has sent down, and do not follow their lusts by (forsaking the truth that has come to you). To every ummah among you We have given rules and a path of light. If Allah had willed, He would have made you one people. However, Allah wants to test you about the gifts He has bestowed upon you. So, compete in doing good. Only to Allah do you all return, and then He tells you what you have been disputing. (QS. Al Maidah [5]: 48).²⁶

The second principle that is no less important is *maslahah* or the public good. *Maslahah* places the welfare of the community as the main goal in the politics of Islamic law. This concept refers to the achievement of benefits and the prevention of losses, both in material and spiritual aspects²⁷. The principle of *maslahah* allows flexibility in the application of Islamic law, especially in the face of modern challenges that are not explicitly regulated in the Qur'an and Sunnah. For example, the policy of managing zakat or Islamic banking is an implementation of the principle of *maslahah* which aims to overcome poverty and economic inequality in society. Thus, *maslahah* provides space for legal reform that remains in line with the basic values of Islam.²⁸

The principle of *ijtihad* is also one of the crucial principles in the politics of Islamic law. *Ijtihad* is the process of interpretation and reasoning of law to find solutions to new problems that are not explicitly regulated in the main sources of Islamic law. In legal politics, *ijtihad* serves as a mechanism to ensure that Islamic law remains relevant and responsive to changing times. Scholars and policymakers are expected to use *ijtihad* to bridge sharia values with the needs of modern society, such as in issues related to technology, health, and human rights. With *ijtihad*, the politics of Islamic law are not only normative, but also progressive and adaptive.²⁹

In addition to justice, *maslahah*, and *ijtihad*, the principles of political ethics are an important pillar in the politics of Islamic law. Islam emphasizes the

²⁵ Hovden, "Understanding And Framing Change In Islamic Law."

²⁶ "Qur'an of the Ministry of Religion."

²⁷ Ridwan, Ir H. Juniarto, and Mh Achmad Sodik Sudrajat. *State Administration Law and Public Service Policy*. Nuansa Scholar, 2020.

²⁸ "Islamic Law, Islamic Finance, And Sustainable Development Goals: A Systematic Literature Review," Accessed August 9, 2025, https://www.mdpi.com/2071-1050/15/8/6626?Utm_Source=Chatgpt.Com.

²⁹ Ahmed Ali Siddiqi, "Moral Epistemology And The Revision Of Divine Law In Islam," *Oxford Journal Of Law And Religion* 10, No. 1 (2021): 43–70, <https://doi.org/10.1093/Ojlr/Rwab006>.

importance of moral integrity and social responsibility in every political and legal decision. The principles of trust, transparency, and accountability are values that must be upheld by leaders and policymakers. In the modern context, this principle can be translated into mechanisms of public oversight and public participation in the legislative process. By emphasizing political ethics, the politics of Islamic law provide a guarantee that the resulting policies are not only formally legal, but also have moral legitimacy.³⁰

These four principles of justice, *maslahah*, *ijtihad*, and political ethics reflect the political characteristics of Islamic law that are universal but still flexible. These principles provide a strong theoretical foundation for the establishment of an inclusive, fair, and benefit-oriented legal system. In a global context, the political principles of Islamic law can contribute to legal reform that prioritizes the values of social justice and humanity. Thus, the discussion of the political principles of Islamic law is not only relevant in an academic framework, but also in legal and policy practice in the Muslim world and internationally.³¹

C. The Political Application of Islamic Law in the Indonesian Context

The political application of Islamic law in Indonesia is reflected in various regulations that contain sharia values, such as Law No. 1 of 1974 concerning Marriage, Law No. 7 of 1989 concerning Religious Courts, and the Zakat Law. This policy shows how Islamic law is integrated into the national legal system in a contextual and adaptive manner.³²

However, there is still a gap between the ideal norms of sharia and their implementation. For example, the Marriage Law still faces the problem of gender equality, while zakat institutions are not optimal in economic equity. This shows that the value of justice and *maslahah* has not been fully realized in public policy.

In the field of Islamic economics, the development of the Islamic finance industry in Indonesia shows significant progress. However, the application of *maqāṣid* principles such as distributive justice has not been fully reflected in national economic practices. Policy reconstruction is needed so that the sharia economy is not only symbolic, but truly prospers the community.³³

Overall, the political application of Islamic law in Indonesia needs to be directed at strengthening the ethical and social dimensions. Islamic law must be able to answer the challenges of modernity without losing its moral substance. Thus, the integration of Islamic law in the national system can run harmoniously and productively.

The politics of Islamic law have a long and complex history in Indonesia, which is the country with the largest Muslim majority population in the world. Since the

³⁰ "Role Of Religion In Domestic Violence And Abuse In Uk Muslim Communities | Oxford Journal Of Law And Religion | Oxford Academic," Accessed August 9, 2025, https://academic.oup.com/ojlr/article/12/2/178/7225338?utm_source=chatgpt.com&login=false.

³¹ "Frontiers | A Scientometric Study Of Maqasid Al-Shariah Research: Trending Issues, Hotspot Research, And Co-Citation Analysis," Accessed August 9, 2025, <https://www.frontiersin.org/journals/research-metrics-and-analytics/articles/10.3389/fрма.2024.1439407/full>.

³² Gad Makhoul, "Continuity And Change Of Traditional Islamic Law In Modern Times."

³³ Francesc Relano, "Ethical And Islamic Banking Compared From A Time-Based Perspective," *Journal Of Business Ethics* 188, no. 4 (2023): 795–805, <https://doi.org/10.1007/S10551-023-05497-8>.

pre-colonial period, Islamic law has been an integral part of the life of the Indonesian people, especially in matters of family, inheritance, and customary courts. During the Dutch colonial period, the application of Islamic law was narrowed in scope due to the influence of colonial law. However, the enthusiasm of the Indonesian Muslim community to defend Islamic law remains strong, as seen in the struggle of various Islamic organizations such as Muhammadiyah and Nahdlatul Ulama. This shows that the politics of Islamic law has become an important element in the formation of the nation's legal identity.³⁴

In the context of modern Indonesia, the political meaning of Islamic law reflects efforts to integrate sharia values into the national legal system. The Marriage Law No. 1 of 1974, for example, is one example of the successful compromise between Islamic law and national law. This law recognizes Islamic principles in marriage, such as the obligation of guardianship and marriage registration, while maintaining legal pluralism to respect religious diversity in Indonesia. Another example is the Zakat Law which provides a legal basis for the management of zakat nationally. This application shows that Islamic legal politics in Indonesia has a strategic role in building a legal system that is inclusive and adaptive to the needs of society.³⁵

However, the harmonization between Islamic law and national law does not always run smoothly. One of the main challenges is the diversity of interpretations of Islamic law among Indonesian Muslims. With diverse cultural backgrounds and sects, approaches to Islamic legal politics often vary, sometimes sparking debates at the policy level. In addition, legal pluralism in Indonesia, which includes customary law, national law, and Islamic law, often leads to overlap in the implementation of the law. However, this challenge also reflects the political flexibility of Islamic law in responding to the needs of a pluralistic Indonesian society.³⁶

The political significance of Islamic law in Indonesia also lies in its contribution to the development of laws based on the values of social justice. In recent decades, sharia-based policies, such as sharia economics and sharia-based financial management, have made a significant contribution in driving financial inclusion and reducing economic disparities. In addition, the role of institutions such as the Sharia Court in Aceh shows how Islamic law can function contextually in Indonesia's decentralized legal system. The politics of Islamic law, in this case, serves as a bridge between religious norms and the practical needs of modern society.³⁷

With its rich history and complex challenges, the politics of Islamic law in Indonesia reflect a long journey towards harmonization between Islamic values and the national legal system. The political meaning of Islamic law is not only limited to the regulation of religious norms, but also includes a real contribution to the

³⁴ Sally White Et Al., "Voting Against Women: Political Patriarchy, Islam, And Representation In Indonesia," *Politics & Gender* 20, no. 2 (2024): 391–421, <https://doi.org/10.1017/S1743923x23000648>.

³⁵ Iwan Setiawan Et Al., "Reforming Marriage Law In Indonesia: A Critical Examination Of Islamic Law On The Ban Of Interfaith Marriages," *Al-Manahij: Journal of Islamic Law Studies*, July 31, 2024, 179–98, <https://doi.org/10.24090/Mnh.V18i2.11134>.

³⁶ "Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence In Indonesia Walisongo Law Review(Walrev)," accessed August 9, 2025, https://journal.walisongo.ac.id/index.php/Walrev/Article/View/25566?Utm_Source=.

³⁷ Nasrullah "The Challenges Of Islamic Criminal Law Implementation In Aceh Shariah Court | | Diponegoro Law Review," Accessed August 9, 2025, https://ejournal.undip.ac.id/index.php/Dlr/Article/View/55999/0?Utm_Source=

development of just, inclusive, and sustainable law. In the global context, Indonesia's experience in integrating Islamic law into the modern legal system can serve as a model for other countries in managing legal pluralism and diverse societies.³⁸

The reconstruction of the political theory of Islamic law in Indonesia needs to be directed at an integrative model that combines the normative-shari'i dimension with positive legal reality, in order to build a just, pluralistic, and public-interest-oriented legal system.

D. Challenges and Directions of the Development of Islamic Legal Politics in Indonesia

The main challenges in the development of Islamic legal politics in Indonesia include plurality of interpretations, resistance to the formalization of sharia, and weak moral oversight in legal practice. In addition, identity politics often creates polarization that hinders the objectivity of Islamic law.³⁹

The direction of the political development of Islamic law in the future must be based on the contextual *maqāṣid al-syarī'ah*. This requires an interdisciplinary approach between law, politics, and economics so that Islamic law is able to play a role in creating social justice.

It is also necessary to strengthen the role of educational and research institutions to build legal awareness based on ethics and justice. In this way, the political theory of Islamic law can develop into an academic paradigm as well as a practical guideline for policymakers.

The reconstruction of the political theory of Islamic law in Indonesia must ultimately be directed at the formation of an inclusive, responsive, and substantive justice legal system, so that Islamic values truly become the basis of public ethics in the midst of national legal pluralism.⁴⁰

CONCLUSION

The politics of Islamic law is a normative and practical concept that demands a balance between sharia values and the reality of national law. The reconstruction of his theory in Indonesia is important to ensure that the implementation of the principles of justice and benefits goes hand in hand with legal pluralism. With the approach of *maqāṣid al-syarī'ah*, Islamic law can function as a moral and social force in building a just and inclusive legal system.

The politics of Islamic law is a multidimensional concept that includes the values of justice, welfare, and ethics in the management of law and public policy. As a normative and practical framework, Islamic legal politics not only aims to integrate sharia in the legal system, but also to respond to contemporary challenges through contextual and flexible approaches. The principles of justice, *maslahah*,

³⁸ Fachrizal Afandi And Ladito Risang Bagaskoro, "Islam And State's Legal Pluralism," *Epistémé: Journal of the Development of Islamic Science* 19, No. 01 (2024): 1–26, <https://doi.org/10.21274/Epis.2024.19.01.1-26>.

³⁹ Tawffeeq A. S. Mohammed, "A Scientometric Study Of Maqasid Al-Shariah Research: Trending Issues, Hotspot Research, And Co-Citation Analysis," *Frontiers In Research Metrics And Analytics* 9 (2024): 1439407, <https://doi.org/10.3389/Frma.2024.1439407>.

⁴⁰ Simon Thompson "Normative Structure Of Multicultural Secularism | Oxford Journal Of Law And Religion | Oxford Academic," Accessed October 17, 2025, https://academic.oup.com/ojlr/article/13/1/1/7915053?utm_source=chatgpt.com&login=False.

ijtihad, and political ethics are the foundations that allow Islamic law to remain relevant in complex social, political, and economic dynamics.

SUGGESTION

1. Strengthen the Substantive Maqāṣid Paradigm Direct Islamic legal politics toward values of social justice, public welfare, and the protection of citizens' rights, rather than mere formalistic implementation of sharia.
2. Promote Harmonization of the Legal Systems Integrate Islamic law with national law and customary law to prevent normative disharmony and regulatory overlap within Indonesia's pluralistic legal framework.
3. Develop Policies Based on Research and Interdisciplinary Approaches Formulate and evaluate legal policies using empirical data while incorporating insights from law, political science, economics, and social studies.
4. Strengthen Political Ethics and Legal Governance Encourage transparency, accountability, and integrity among legal and governmental institutions to ensure that the implementation of sharia-based values carries strong moral legitimacy.
5. Optimize the Role of Educational and Research Institutions Advance curricula, research, and literature in Islamic legal politics that are more contextual and contemporary, thereby enhancing the capacity of academics, practitioners, and policymakers in applying modern *ijtihad*.

BIBLIOGRAPHY

- A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt | Journal of Law and Religion | Cambridge Core." Accessed August 9, 2025. https://www.cambridge.org/core/journals/journal-of-law-and-religion/article/theory-of-a-state-how-civil-law-ended-legal-pluralism-in-modern-egypt/1B80442CD5685A8238D57B438EE018AB?utm_source=chatgpt.co.
- Afandi, Fachrizal, and Ladito Risang Bagaskoro. "ISLAM AND STATE'S LEGAL PLURALISM." *Epistemé: Journal of Islamic Science* Development 19, no. 01 (2024): 1–26. <https://doi.org/10.21274/epis.2024.19.01.1-26>.
- Al-Mawardi's Paradigmatic Theory of Politics: Imamah or Khilaphah in Theory & Practice | Journal Of Creative Writing (ISSN-2410-6259)." Accessed August 9, 2025. https://jocw.ittc.edu.bd/index.php/jocw/article/view/69?utm_source=chatgpt.com.
- Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia | Oxford Journal of Law and Religion | Oxford Academic." Accessed October 17, 2025. https://academic.oup.com/ojlr/article/11/2-3/314/6965701?login=false&utm_source=chatgpt.com.
- Frontiers | A Scientometric Study of Maqasid Al-Shariah Research: Trending Issues, Hotspot Research, and Co-Citation Analysis." Accessed August 9, 2025. <https://www.frontiersin.org/journals/research-metrics-and-analytics/articles/10.3389/frma.2024.1439407/full>.

- Fuchs, Christian. "Ibn Khaldûn and the Political Economy of Communication in the Age of Digital Capitalism." *Critical Sociology* 50, nos. 4–5 (2024): 727–45. <https://doi.org/10.1177/08969205231206488>.
- Gad Makhoul, Ahmed. "Continuity and Change of Traditional Islamic Law in Modern Times: Tarjîh as a Method of Adaptation and Development of Legal Doctrines." *Oxford Journal of Law and Religion* 12, no. 1 (2023): 55–74. <https://doi.org/10.1093/ojlr/rwad010>.
- Gad Makhoul, Ahmed. "Evolution of Islamic Law in the 20th Century: The Conception of Collective Ijtihād in the Debate Between Muslim Scholars." *Oxford Journal of Law and Religion*, no. Volume 9, Issue 1 (2020): 157–78.
- Güney, Necmeddin. "Maqāsid Al-Sharī'a in Islamic Finance: A Critical Analysis of Modern Discourses." *Religions* 15, no. 1 (2024): 114. <https://doi.org/10.3390/rel15010114>.
- Güney, Necmeddin. "Maqāsid Al-Sharī'a in Islamic Finance: A Critical Analysis of Modern Discourses." *Religions* 15, no. 1 (2024): 114. <https://doi.org/10.3390/rel15010114>.
- Hovden, Eirik. "Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification." *Oxford Journal of Law and Religion* 12, no. 3 (2023): 289–313. <https://doi.org/10.1093/ojlr/rwae020>.
- Islam and Constitutional Law (Chapter 19) - Buddhism and Comparative Constitutional Law. Accessed August 9, 2025. https://www.cambridge.org/core/books/buddhism-and-comparative-constitutional-law/islam-and-constitutional-law/17C6F64060962A75D71F5475F6918689?utm_source=chatgpt.com.
- Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review." Accessed August 9, 2025. https://www.mdpi.com/2071-1050/15/8/6626?utm_source=chatgpt.com.
- Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia | Walisongo Law Review (Walrev)." Accessed August 9, 2025. https://journal.walisongo.ac.id/index.php/walrev/article/view/25566?utm_source=chatgpt.com.
- Legal Politics of Religious Moderation and State Defense Policy at Public Universities | Islamic Justice." Accessed August 9, 2025. https://jurnal.iainponorogo.ac.id/index.php/justicia/article/view/9242?utm_source=chatgpt.com.
- Lombardi, Clark, and Nathan Brown. "Do Constitutions Requiring Adherence to Shari'a Threaten Human Rights? How Egypt's Constitutional Court Reconciles Islamic Law with the Liberal Rule of Law." *Articles* 21 (January 2005): 379.
- Mohammed, Tawffeeq A. S. "A Scientometric Study of Maqasid Al-Shariah Research: Trending Issues, Hotspot Research, and Co-Citation Analysis." *Frontiers in Research Metrics and Analytics* 9 (2024): 1439407. <https://doi.org/10.3389/frma.2024.1439407>.
- "Moral Epistemology and the Revision of Divine Law in Islam | Oxford Journal of Law and Religion | Oxford Academic." Accessed October 17, 2025. <https://academic.oup.com/ojlr/article->

- abstract/10/1/43/6343122?redirectedFrom=fulltext&login=false&utm_source=chatgpt.com.
- Normative Structure of Multicultural Secularism | Oxford Journal of Law and Religion | Oxford Academic." Accessed October 17, 2025. https://academic.oup.com/ojlr/article/13/1/1/7915053?utm_source=chatgpt.com&login=false.
- (PDF) A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt." Accessed August 9, 2025. https://www.researchgate.net/publication/358437468_A_Theory_of_a_State_How_Civil_Law_Ended_Legal_Pluralism_in_Modern_Egypt.
- "Qur'an of the Ministry of Religion." Accessed July 5, 2025. <https://quran.kemenag.go.id/quran/per-ayat/surah/33?from=1&to=73>.
- Relano, Francesc. "Ethical and Islamic Banking Compared from a Time-Based Perspective." *Journal of Business Ethics* 188, no. 4 (2023): 795–805. <https://doi.org/10.1007/s10551-023-05497-8>.
- "Religious Trends among Arab Muslims, 2010–2022: Continued Revival, Polarization, or Burgeoning Secularization? - Arman Azedi, 2025." Accessed August 9, 2025. https://journals.sagepub.com/doi/10.1177/00207152251319750?int.sj-full-text.similar-articles.2=&utm_source=chatgpt.com.
- "Role of Religion in Domestic Violence and Abuse in UK Muslim Communities | Oxford Journal of Law and Religion | Oxford Academic." Accessed August 9, 2025. https://academic.oup.com/ojlr/article/12/2/178/7225338?utm_source=chatgpt.com&login=false.
- Setiawan, Iwan, Tajul Arifin, Usep Saepullah, and Abdulah Safei. "Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages." *Al-Manahij: Journal of Islamic Law Studies*, July 31, 2024, 179–98. <https://doi.org/10.24090/mnh.v18i2.11134>.
- Siddiqi, Ahmed Ali. "Moral Epistemology and the Revision of Divine Law in Islam." *Oxford Journal of Law and Religion* 10, no. 1 (2021): 43–70. <https://doi.org/10.1093/ojlr/rwab006>.
- "THE CHALLENGES OF ISLAMIC CRIMINAL LAW IMPLEMENTATION IN ACEH SHARIAH COURT | Nasrullah | Diponegoro Law Review." Accessed August 9, 2025. https://ejournal.undip.ac.id/index.php/dlr/article/view/55999/0?utm_source=chatgpt.com.
- "The Impact of Marketing Communication and Islamic Financial Literacy on Islamic Financial Inclusion and MSMEs Performance: Evidence from Halal Tourism in Indonesia." Accessed October 17, 2025. https://www.mdpi.com/2071-1050/15/13/9868?utm_source=chatgpt.com.
- "Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification | Oxford Journal of Law and Religion | Oxford Academic." Accessed August 9, 2025. https://academic.oup.com/ojlr/article/12/3/289/7698132?utm_source=chatgpt.com&login=false.

"Volume 19 Issue 5 | International Journal of Constitutional Law | Oxford Academic."
Accessed August 9, 2025.
https://academic.oup.com/icon/issue/19/5?utm_source=chatgpt.com&login=false.

"Volume 19 Issue 5 | International Journal of Constitutional Law | Oxford Academic."
Accessed August 9, 2025.
https://academic.oup.com/icon/issue/19/5?utm_source=chatgpt.com&login=false.

White, Sally, Eve Warburton, Pramashavira, Adrianus Hendrawan, and Edward Aspinall. "Voting against Women: Political Patriarchy, Islam, and Representation in Indonesia." *Politics & Gender* 20, no. 2 (2024): 391–421.
<https://doi.org/10.1017/S1743923X23000648>.