



The Influence of Islamic Law on National Legal Development: Indonesia Constitutional Perspective

Pengaruh Hukum Islam dalam Pembangunan Hukum Nasional: Sebuah Analisis Hukum Konstitusi Indonesia

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History:

Submitted: 01-04-2026

Revised: 26-05-2026

Accepted: 29-05-2026

Keyword:

Islamic Law; Sharia; UUD NRI 1945; Constitution; National Law.

Kata Kunci:

Hukum Islam; Syariah; UUD NRI 1945; Konstitusi; Hukum Nasional.

Abstract

This study analyzes the constitutional status of Islamic law and its substantial contribution to the development of Indonesian national law. The primary issue concerns the dynamics of integrating Sharia values into the Pancasila rule-of-law framework, which frequently encounters challenges in regulatory harmonization. This research employs normative legal analysis, utilizing legislative, conceptual, and case-based approaches. The findings demonstrate that Islamic law has strong legal foundation under Articles 24 and 29 of the 1945 Constitution of the Republic of Indonesia and contributes significantly by transforming norms into national legislation, such as Sharia economic law and halal product certification. In summary, Islamic law constitutes an organic element that reinforces the national legal system. The implications of this research highlight the need to elevate the legal status of Sharia instruments to the level of law to ensure legal certainty. These findings advance the theory of religious constitutionalism in the context of Indonesia's legal development.

Abstrak

Penelitian ini bertujuan menganalisis kedudukan konstitusional hukum Islam serta kontribusi substansialnya dalam pembangunan hukum nasional di Indonesia. Masalah utama difokuskan pada dinamika integrasi nilai-nilai syariah ke dalam kerangka Negara Hukum Pancasila yang sering menghadapi tantangan harmonisasi regulasi. Penelitian terdahulu cenderung berfokus pada aspek teologis, namun belum mengeksplorasi secara kritis bagaimana integrasi norma syariah ke dalam hukum nasional. Metode penelitian yang digunakan adalah hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Hasil penelitian menunjukkan bahwa hukum Islam memiliki landasan yuridis yang kuat melalui Pasal 24 dan Pasal 29 UUD NRI Tahun 1945, serta memberikan kontribusi signifikan melalui transformasi norma ke dalam legislasi nasional seperti hukum ekonomi syariah dan jaminan produk halal. Kesimpulannya, hukum Islam merupakan elemen organik yang memperkuat sistem hukum nasional. Implikasi penelitian ini menekankan perlunya penguatan status hukum instrumen syariah menjadi undang-undang guna menjamin kepastian hukum. Temuan ini berkontribusi pada pengembangan teori konstitusionalisme religius dalam pembangunan hukum di Indonesia.



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<https://doi.org/10.65101/ssharia.v1i2.45>

A. INTRODUCTION

1. Background

Although Indonesia has the largest Muslim population in the world, it does not identify as an Islamic state and does not maintain a complete separation between religion and state affairs.¹ The state structure, based on Pancasila, allows for the integration of religious values into the constitutional framework, elevating religion by recognizing the concept of the One and Only God as a foundational pillar of national life.² This arrangement produces a distinctive model of legal transformation, where Sharia values serve as a behavioral reference for Muslims and are democratically incorporated into the national legal system. Currently, the development of national law in Indonesia is at a pivotal stage, aiming to establish Islamic law as a significant subsystem within the Unitary State of the Republic of Indonesia, particularly in response to the challenges of the 5.0 Era, which requires a more harmonious integration of social and religious values.³

The transformation of Islamic law in Indonesia, both historically and juridically, has involved navigating significant political challenges, evolving from social norms into codified positive law at various legislative levels. Since independence, there has been a concerted effort to establish Islamic law as a pillar of societal development alongside customary law.⁴ The legal standing of Islamic law is reflected in strategic regulations, including Law No. 17 of 1999 on the Conduct of the Hajj, Law No. 36 of 1999 on the Management of Zakat, and Law No. 41 of 2004 on Waqf.⁵ Reform efforts have progressed gradually in response to political dynamics, as seen in significant amendments to the Marriage Law in 2019, demonstrating that Islamic law in Indonesia is responsive, adaptive, and continually evolving to align with changing societal legal values.⁶

¹ Suci Ramadhan, "Islamic Law, Politics and Legislation: Development Of Islamic Law Reform in Political Legislation of Indonesia," *Adhki Journal of Islamic Family Law* 2 (July 21, 2020): 63–76, <https://doi.org/10.37876/adhki.v2i1.35>.

² A Siroj, Ismail Marzuki, and Elkhairati Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8 (May 16, 2023): 95, <https://doi.org/10.29240/jhi.v8i1.6618>.

³ Efa Nur and Fathul Mu'in, "Integration of Religious and Social Values in the Development of the Indonesian Constitution Era 5.0," *KnE Social Sciences* 2024 (January 11, 2024): 1–10, <https://doi.org/10.18502/kss.v9i2.14962>.

⁴ Nur Sanusi et al., "Political Configuration of Islamic Law in Legal Development in Indonesia," *Jurnal Adabiyah* 23, no. 1 (June 30, 2023): 49–65, <https://doi.org/10.24252/jad.v23i1a3>.

⁵ Muhammad Habibi, "Legalitas Hukum Islam Dalam Sistem Peradilan Indonesia," *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 22, no. 2 (January 24, 2021): 128, <https://doi.org/10.22373/jms.v22i2.8050>.

⁶ Ramadhan, "Islamic Law, Politics And Legislation: Development of Islamic Law Reform in Political Legislation of Indonesia."

Despite these developments, significant challenges persist in implementing these norms, which frequently diverge from the intended legal ideals. Empirical evidence highlights a gap between the moral justice emphasized by Islamic law and its practical application, which is shaped by social, political, and cultural influences.⁷ Discrepancies between public expectations for fair law enforcement and actual practices often result in societal dissatisfaction. Additionally, the formalization of Islamic law is frequently limited to debates over symbolic representation rather than substantive legal reform.⁸ Fragmentation in the interpretation of Islamic teachings among different groups further complicates efforts to achieve legal coherence within Indonesia's national legal system.⁹

Researching the status of Islamic law from a constitutional perspective is increasingly pertinent, particularly in light of Article 29 of the 1945 Constitution, which guarantees religious freedom. The state is obligated to facilitate the implementation of sharia for its adherents and to prevent actions that contradict citizens' religious standards.¹⁰ The Indonesian Constitution, through Articles 24 and 29, provides a framework for the application of Islamic law, affirming Indonesia as a God-fearing state governed by law rather than a secular state.¹¹ Consequently, the inclusion of Islamic law as a source of national law is a constitutional mandate to establish a legal system that reflects Indonesian society's collective consciousness.¹² These constitutional boundaries ensure that the application of Islamic law remains consistent with the Pancasila-based rule of law, which accommodates diverse values.¹³

Islamic law is incorporated into Indonesia's legal system through two primary models, each with distinct legal implications. The first model is a substantive application, where Islamic values are integrated into regulations without explicit identification as Islamic, aligning with the culture and spirit of national unity. The second model is formal

⁷ Sulis Tyaningsih and Yurna Yurna, "Hukum Islam Antara Idealisme Dan Realitas," *Jurnal Manajemen Dan Pendidikan Agama Islam* 2, no. 2 (2024): 136–56, <https://doi.org/https://doi.org/10.61132/jmpai.v2i2>.

⁸ Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21 (December 27, 2022): 213–44, <https://doi.org/10.21093/mj.v21i2.4800>.

⁹ Tyaningsih and Yurna, "Hukum Islam Antara Idealisme Dan Realitas."

¹⁰ Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law."

¹¹ Afif Noor et al., "Regulation and Consumer Protection of Fintech in Indonesia: The Case of Islamic Fintech Lending," *Linguistics and Culture Review* 6 (December 4, 2021): 49–63, <https://doi.org/10.21744/lingcure.v6nS3.1938>.

¹² Siroj, Marzuki, and Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia."

¹³ Muhamadun Muhamadun and Murjazin Murjazin, "Batas-Batas Konstitusional Hukum Islam Dalam Hukum Nasional," *Jurnal Indo-Islamika* 8, no. 1 (2018): 12–22, <https://doi.org/10.15408/idi.v8i1.17536>.

transformation, which explicitly designates Islamic law and is typically applied to address the specific needs of the Muslim community in areas such as family law and Islamic economics.¹⁴ This transformation relies on four key factors: books of fiqh, religious court rulings, legislation in Muslim countries, and religious fatwas.¹⁵ The executive and legislative branches, particularly the president and the House of Representatives, play a central role in codifying these laws to accommodate citizens' religious aspirations.¹⁶

The legal standing of Islam is closely linked to the judiciary's role in upholding constitutional law. The expansion of the Religious Courts' authority, particularly following amendments to the Religious Courts Act in 2006, has reinforced Islam's legal position within the unified judicial system under the Supreme Court.¹⁷ Indonesian Muslims possess a constitutional right to advocate for their religious values through legislative processes or, if norms conflict with religious principles, through judicial review at the Constitutional Court¹⁸. Islamic law contributes substantively to national legal development, infusing justice into the formation of laws for all citizens.¹⁹ Therefore, Islamic law serves as a primary instrument in shaping Indonesia's national legal system.

Previous studies on the relationship between Islamic law and national law include the work of Roby et al., who emphasize that Islamic law provides moral direction and normative substance for the development of national law, particularly in the domains of family and sharia economics.²⁰ Tomy argues that Article 29 of the 1945 Constitution serves as a constitutional foundation for the recognition of religious legal systems in Indonesia.²¹ Pamalingan considers Islamic law as an integral component of legal

¹⁴ Ahmad Yani and Megawati Barthos, "Transforming Islamic Law in Indonesia from a Legal Political Perspective," *Al-Ahkam* 30, no. 2 (2020): 159–78, <https://doi.org/10.21580/ahkam.2020.30.2.6333>.

¹⁵ Siah Khosyi'ah et al., "Absolute Competence in the Fields of Alms in the Religious Courts," *International Journal of Islamic Khazanah* 11 (July 5, 2021): 90–102, <https://doi.org/10.15575/ijik.v11i2.12428>.

¹⁶ Fajar Sugianto, Denny Wibowo, and Tomy Michael, "Kedudukan Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 Tentang Penyebarluasan Kompilasi Hukum Islam dalam Sistem Hukum Kewarisan Indonesia," *Jurnal Aktual Justice* 5 (June 8, 2020): 19–37, <https://doi.org/10.47329/Aktualjustice.V5i1.518>.

¹⁷ Habibi, "Legalitas Hukum Islam Dalam Sistem Peradilan Indonesia."

¹⁸ Sugianto, Wibowo, and Michael, "Kedudukan Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 Tentang Penyebarluasan Kompilasi Hukum Islam dalam Sistem Hukum Kewarisan Indonesia."

¹⁹ Aula Damayanti, "Contribution Of Islamic Law To Legal Development In Indonesia," *MILRev: Metro Islamic Law Review* 1 (December 26, 2022): 17, <https://doi.org/10.32332/milrev.v1i1.6188>.

²⁰ Surya Sukati Roby, Mustar, "Islam Sebagai Sumber Hukum Di Indonesia," *At Taklim Jurnal Pendidikan Multidisiplin* 2, no. 11 (2025): 101–10.

²¹ Tomi Saladin, "Kedudukan Hukum Islam Dalam Sistem Hukum Nasional Di Indonesia," *Inklusif (Jurnal Pengkajian Penelitian Ekonomi Dan Hukum Islam)* 6, no. 2 (2021): 155, <https://doi.org/10.24235/inklusif.v6i2.9747>.

pluralism, coexisting with customary and state law.²² While these studies acknowledge the significance of Islamic law, they do not comprehensively address the process by which religious norms are transformed into positive legal norms within the national legal system.

Aditya's study demonstrates that the Constitutional Court plays a pivotal role in ensuring that the incorporation of religious values into national law remains consistent with the 1945 Constitution. This evidence supports the argument that Islamic law cannot be automatically recognized as positive law solely based on the demographic majority of Muslims in Indonesia. Islamic legal norms acquire binding authority within the national legal system only after undergoing legitimate legal processes that align with constitutional requirements. In contrast, Ramadhan's research primarily addresses the Constitutional Court's function as a constitutional guardian, without explicitly connecting this role to Islamic law's status as a source of values, material sources, or positive norms in the evolution of national law.²³ The research suggests that while Islamic law is acknowledged as a source for national legal development, there is a lack of consensus regarding its specific form, the boundaries of its transformation, and its constitutional validity.

Previous studies have typically examined individual aspects in isolation, such as the sources of Islamic law, legal pluralism, legislative politics, or constitutional review. In contrast, the constitutional status establishes the legitimacy of Islamic law. The transformation process determines the incorporation of Islamic values into positive law, while the development of national law shapes the ultimate integration of these norms within the Indonesian legal system. This study contributes by establishing an analytical relationship between constitutional norms and the transformation of Islamic law in the context of national legal development.

This article contends that Islamic law has evolved from a subordinate position to become an integral, constitutionally binding component of the national legal framework. To address persistent ambiguities in the regulation of religious freedom, the study recommends elevating the Compilation of Islamic Law to statutory status to promote legal certainty.

²² Muhammad Jumaidi Pamalingan, "Dinamika Globalisasi Dan Transionalisasi Hukum Islam Di Negara Nomokrasi Indonesia" 5, no. 7 (2025): 156–65.

²³ Zaka Firma Aditya, "Judicial Consistency in the Constitutional Court Decision on Judicial Review of Blasphemy Law," *Jurnal Konstitusi* 17, no. 1 (2020): 80–103, <https://doi.org/10.31078/jk1714>.

2. Research Questions

Based on the contextual background, this study addresses two fundamental legal issues regarding the position of Islamic law in Indonesia.

First, how is the constitutional status of Islamic law theoretically and practically legitimized within the hierarchy of national legislation, particularly concerning the interpretation of Article 29 of the 1945 Constitution?

Second, to what extent do the mechanisms of transforming Sharia values—specifically in contemporary economic and family laws—resolve the tension between religious idealism and the pragmatic needs of the Pancasila-based national legal system? These core issues will serve as the analytical framework for the subsequent discussion to identify the constitutional limits and strategic contributions of Islamic law in Indonesia.

3. Research Methods

This research employs a normative legal research design that integrates regulatory-statutory, contextual, and historical-constitutional approaches. This methodology is appropriate for analyzing the position of Islamic law within the development of national law through the framework of the Indonesian constitution, particularly the 1945 Constitution of the Republic of Indonesia. Normative legal research focuses on legal norms, principles, doctrines, and constitutional constructions that govern the relationship between religion, the state, and the national legal system. The regulatory-statutory approach facilitates examination of the 1945 Constitution, regulations incorporating Islamic legal norms, and decisions issued by relevant judicial institutions. The contextual approach enables analysis of the concepts of Islamic law, national law, legal transformation, the integration of religious norms, and the hierarchy of laws and regulations. The historical-constitutional approach provides an interpretation of the evolving relationship between Islamic law and state law, from the establishment of the constitutional foundation to the development of contemporary national law. This research model is consistent with the nature of normative legal research, which prioritizes legal materials as the primary object of analysis rather than social behavior as the main research data.²⁴

The data collected in this study comprises secondary data, including primary, secondary, and tertiary legal materials. Primary legal materials include Articles 24 and 29

²⁴ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer" 7 (April 1, 2020): 20–33, <https://doi.org/10.14710/gk.7.1.20-33>.

of the 1945 Constitution of the Republic of Indonesia, the Religious Courts Law (Law No. 7/1989, in conjunction with Law No. 50/2009), the Sharia Banking Law, the Halal Product Guarantee Law, and the Compilation of Islamic Law (KHI). Secondary legal materials include journal articles, academic books, research findings, and expert opinions on constitutional law, Islamic law, and theories of national law formation. Tertiary legal materials comprise legal dictionaries, legal encyclopedias, regulatory indexes, and other supporting sources that clarify legal terminology. Data collection was conducted through literature review and document analysis. Sources were selected based on relevance, authority, publication year, and alignment with the research focus. The research instruments included legal material inventory sheets, norm classification matrices, and document review guidelines. Instrument validation involved assessing the alignment of indicators with the problem formulation and research approach. Reliability was ensured through consistent source selection criteria, documentation of review processes, and repeated classification of legal materials, enabling the analysis to be verified by other researchers.²⁵

The data analysis in this study utilized normative qualitative methods, incorporating descriptive, interpretative, systematic, and prescriptive approaches. Descriptive analysis identified the position of Islamic law within the national legal system, referencing constitutional norms and statutory regulations. Interpretative analysis clarified the meaning of Article 29 of the 1945 Constitution as the constitutional foundation for recognizing and implementing religious law. Systematic analysis established connections between constitutional norms and national legal products that integrate Islamic legal values, including marriage law, religious courts, waqf, zakat, sharia economics, and halal product guarantees. Prescriptive analysis developed arguments concerning the role of Islamic law in the evolution of national law, whether as a source of values, a material source, or as norms incorporated into positive law. The analysis proceeded through four stages: reduction of legal material, classification of legal issues, interpretation of norms, and formulation of legal conclusions. This structured process ensures replicability, as each source, analytical category, and basis for conclusions is

²⁵ Yati Nurhayati, Ifrani Ifrani, and M Said, "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum," *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (January 17, 2021): 1–20, <https://doi.org/10.51749/jphi.v2i1.14>.

explicitly defined from the outset of the study.²⁶

B. DISCUSSION

1. The Constitutional Position of Islamic Law in the Hierarchy of Legislation

a. Integration of Islamic values into the national legal system

Within Indonesian constitutional law, the status of Islamic law is intrinsically linked to the Theory of Legal Transformation, which elucidates the transition of religious norms from the private-theological domain to the public-legal sphere in a modern constitutional state. This transformation entails incorporating Sharia values into the national legal system through democratic legislative processes, positioning Islamic law as a primary source in the development of responsive law.²⁷ The principal variables examined in this study are the constitutionality of norms, legal integration, and substantive contributions to national legal development. Their interrelationship is anchored in the principle of the *Staatsfundamentalnorm*, which establishes Pancasila as the foundational norm that enables the integration of religious values into legislation.²⁸ In the context of the 5.0 Era, integrating social and religious values is essential, as legal development requires not only technical certainty but also alignment between civilizational advancement and societal welfare, consistent with the principles of Islamic law.²⁹

Islamic Legal Theory constitutes the second key theoretical foundation, positing that Islamic law in Indonesia emerges from a creative synthesis between the universal teachings of Islam and the sociocultural context of the Nusantara. This perspective asserts that Islamic law is not directly transplanted as foreign law but is adapted to align with the values of the Indonesian Constitution.³⁰ The role of Islamic law in national legal development is foundational, enriching national law with moral and transcendent dimensions of justice.³¹ This harmonization produces a distinctive legal model in which the national legal system coherently accommodates legal pluralism, including Western law, customary law, and Islamic law, within the framework of the Unitary State of the

²⁶ Sidi Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia," *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 3, no. 3 (November 30, 2024), <https://doi.org/10.59818/jps.v3i3.1390>.

²⁷ Yani and Barthos, "Transforming Islamic Law in Indonesia from a Legal Political Perspective."

²⁸ Nur and Mu'in, "Integration of Religious and Social Values in the Development of the Indonesian Constitution Era 5.0."

²⁹ Nur and Mu'in.

³⁰ Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law."

³¹ Damayanti, "Contribution Of Islamic Law To Legal Development In Indonesia."

Republic of Indonesia.³² This arrangement legitimizes the application of Islamic law for its adherents while upholding national unity as the constitutional cornerstone.

b. Challenges in the Formalization of Islamic Law within the National Legal System

The scope of Islamic law is legally circumscribed by the Theory of Constitutional Limits, which ensures that Sharia implementation remains consistent with the Pancasila-based Rule of Law. While Article 29 of the 1945 Constitution of the Republic of Indonesia guarantees religious freedom, its application is subject to principles of human rights, public order, and respect for diversity.³³ A theoretical tension exists between efforts to formalize exclusive Islamic law and the imperative for an inclusive national legal system.³⁴ From a legal-political standpoint, the configuration of Islamic law is shaped by prevailing power dynamics and the broader political landscape; democratic legal politics typically yield responsive Islamic legal products, whereas authoritarian regimes may instrumentalize Islamic law for specific interests.³⁵ Thus, a comprehensive understanding of constitutional boundaries is essential for Islamic law to reinforce, rather than undermine, the foundations of the state.³⁶

Absolute jurisdiction and the legitimacy of the judicial system reinforce the position of Islamic law by institutionalizing religious courts. The integration of Religious Courts under the Supreme Court affirms that Islamic law possesses a robust legal foundation for adjudicating specific civil matters, including marriage, inheritance, and Islamic finance.³⁷ This is further supported by the Compilation of Islamic Law, which, despite being formally a Presidential Instruction, serves as the primary legal reference in judicial practice due to its substantial authority.³⁸ Persistent gaps in certain aspects of religious freedom remain a concern, prompting calls for the state to enhance legal certainty through clearer regulations to safeguard citizens' religious rights within the constitutional framework.³⁹

³² Siroj, Marzuki, and Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia."

³³ Muhamadun and Murjazin, "Batas-Batas Konstitusional Hukum Islam Dalam Hukum Nasional."

³⁴ Mukrimin Mukrimin, "Political Islam and Constitutional Change in Contemporary Indonesia," *Al-Mizan* 19 (June 24, 2023): 39–60, <https://doi.org/10.30603/am.v19i1.3495>.

³⁵ Ramadhan, "Islamic Law, Politics and Legislation: Development of Islamic Law Reform in Political Legislation Of Indonesia."

³⁶ Muhamadun and Murjazin, "Batas-Batas Konstitusional Hukum Islam Dalam Hukum Nasional."

³⁷ Habibi, "Legalitas Hukum Islam Dalam Sistem Peradilan Indonesia."

³⁸ Sugianto, Wibowo, and Michael, "Kedudukan Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 Tentang Penyebarluasan Kompilasi Hukum Islam dalam Sistem Hukum Kewarisan Indonesia."

³⁹ Binawan Andang, "Lacunae Iuris Dalam Hukum Kebebasan Beragama Di Indonesia," *Gema Teologika: Jurnal Teologi Kontekstual Dan Filsafat Keilahian* 8 (April 27, 2023): 99–120, <https://doi.org/10.21460/gema.2023.81.1008>.

The interplay of these theories provides a comprehensive basis for assessing the legal status of Islamic law in Indonesia's current national legal structure.

2. Mechanisms of Transformation and Their Impact on the National Legal System

a. The Strategic Importance of Islamic Law within the National Legal System

The findings of this study demonstrate that Islamic law occupies a highly strategic and constitutional role within Indonesia's national legal system, as reflected by the extensive incorporation of Sharia norms into national legislation during the 2020–2025 period. The contribution of Islamic law now extends beyond family law (*ahwal al-syakhshiyyah*) to encompass the macroeconomic sector and consumer rights protection. Based on an analysis of recent legal instruments, this study provides the following mapping of Islamic law's contributions:

Table 1. Overview of the Contributions and Legal Status of Islamic Law in National Legal Development, 2020–2025

Areas of Contribution	Principal Instruments	Legal Status	Constitutional Status	Impact on the Legal System
Economy & Fintech	UU Perbankan Syariah & OJK	Pasal 33	UU 1945	Financial Modernization and Inclusion
Halal Product Certification	UU Cipta Kerja	Pasal 29	UU 1945	Global Standardization & Consumer Protection
Social Philanthropy	UU Zakat dan Wakaf	Pasal 29	UU 1945	Strengthening the Social Safety Net
Judiciary & Procedures	KHI & Putusan Mahkamah Agung	Pasal 24	UU 1945	Legal Certainty in Islamic Civil Law

Legislative analysis demonstrates that the state systematically engages in “legal accommodation” of Muslim needs to promote equitable national development. The implementation of halal labels and the assurance of halal product information, as mandated by Constitutional Court Decision No. 8/PUU-XVII/2019, further affirms that safeguarding religious beliefs constitutes a constitutional obligation for both businesses and the state.⁴⁰ These findings suggest that Islamic law functions as a significant catalyst for national legal reform, particularly in advancing community protection and value-

⁴⁰ Dinda Delfina, Siska Hamidah, and Yuliati, “Juridical Analysis of the Obligation to Apply the Halal Label and Assurance Of Information On Marketed Halal Products: A Study of Constitutional Court Decision NO: 8/PUU-XVII/2019,” *Russian Journal of Agricultural and Socio-Economic Sciences* 142 (October 25, 2023): 73–84, <https://doi.org/10.18551/rjoas.2023-10.09>.

driven economic growth.

Analysis of the status of Islamic law within the judicial system reveals an expansion of the absolute jurisdiction of Religious Courts, especially in adjudicating sharia economic disputes and managing zakat and waqf.⁴¹ This demonstrates that Islamic law influences both substantive and procedural dimensions through an integrated judicial framework. Nonetheless, the research identifies persistent tensions between the idealism of Islamic law and bureaucratic challenges, as well as interpretive discrepancies at the regional level. The divergence between public expectations for strict Sharia enforcement and the necessity to comply with the national legislative hierarchy generates a dynamic legal landscape.⁴² Overall, the findings confirm the hypothesis that Islamic law holds a position as a constitutionally recognized source of substantive law and makes a transformative contribution to the national legal system.

b. Direction of development of Indonesian law

Empirical evidence indicates that the transformation of Islamic law in Indonesia follows two principal patterns: substantive incorporation of values and formal adoption of norms.⁴³ The substantive pattern appears in regulations that, while not explicitly referencing “Islam,” embody Islamic values such as justice. In contrast, the formal pattern is present in laws that directly cite Sharia principles. This transformation is facilitated by policymakers’ political will, who regard Islamic law as a form of social capital essential for national stability.⁴⁴ The study’s findings highlight that Indonesia’s legal development is progressing toward an integrated system, with Islamic law acting as a key catalyst for achieving social justice.

These findings suggest that the status of Islamic law in the Indonesian Constitution represents not only a historical formality but also a sociological necessity with substantial legal legitimacy. The theory of legal transformation, as outlined in the literature review, is pertinent because the formalization of Islamic law in Indonesia has achieved systemic autonomy, supported by both executive and legislative branches.⁴⁵ This observation is consistent with Mukrimin’s research, which notes a shift in Islamic politics in post-reform Indonesia from ideological contestation to pragmatic, constitutional legislative

⁴¹ Khosyi’ah et al., “Absolute Competence in the Fields of Alms in the Religious Courts.”

⁴² Tyaningsih and Yurna, “Hukum Islam Antara Idealisme Dan Realitas.”

⁴³ Yani and Barthos, “Transforming Islamic Law in Indonesia from a Legal Political Perspective.”

⁴⁴ Mukrimin, “Political Islam and Constitutional Change in Contemporary Indonesia.”

⁴⁵ Ramadhan, “Islamic Law, Politics and Legislation: Development of Islamic Law Reform in Political Legislation Of Indonesia.”

engagement.⁴⁶ The principal driver of this transition is a collective recognition that integrating Islamic law into national legislation is the most effective strategy for mitigating ideological conflict and addressing the evolving legal needs of the Muslim population.

In contrast to earlier research on the formalization of Islamic law during the early reform era, the present findings indicate a maturation of the legislative process. While formalization was previously perceived as a potential threat to diversity, the integration of Islamic law—such as in regulations for Sharia-compliant financial technology (fintech) and halal product certification—is now regarded as a means of enhancing consumer protection and strengthening the national economy.⁴⁷ This evolution reflects a broader paradigm shift in legal development from a defensive-political stance to a productive-economic orientation. Nevertheless, implementation challenges remain, as lower-level legal institutions often lack the capacity to enforce Sharia-based laws, leading to perceptions of legal failure when ideals and practical realities diverge.

Discussions regarding constitutional limits also reveal that, although Islamic law holds a strong position, the Constitutional Court serves as the primary authority ensuring that these norms remain within the limits established by the 1945 Constitution. Existing gaps in Indonesia's regulation of religious freedom highlight the need for greater alignment to ensure that the implementation of Islamic law respects the rights of all citizens.⁴⁸ Consequently, there is an urgent need for a “Roadmap for National Law Development Based on Integration” that clearly defines the respective roles of secular and religious law to prevent regulatory overlap and future legal uncertainty of “Religious Constitutionalism” in Indonesia, a model in which the constitution of a modern state intentionally provides space for religious legal authority as part of the national identity. This challenges classical theories of legal secularization, which predict that the more modern a state becomes, the more its religious law will be marginalized; conversely, in Indonesia, the modernity of the 5.0 Era has actually driven the digitalization and innovation of Islamic law through state instruments. In terms of policy, this study recommends that the government immediately strengthen the legal status of the

⁴⁶ Mukrimin, “Political Islam and Constitutional Change in Contemporary Indonesia.”

⁴⁷ Delfina, Hamidah, and Yuliati, “Juridical Analysis of The Obligation to Apply the Halal Label and Assurance of Information on Marketed Halal Products: A Study Of Constitutional Court Decision NO: 8/PUU-XVII/2019.”

⁴⁸ Andang, “Lacunae Iuris Dalam Hukum Kebebasan Beragama Di Indonesia.”

Compilation of Islamic Law by elevating it to the level of a statute, thereby granting it higher binding legal force and placing it on par with other codified laws. This is crucial to closing legal loopholes often exploited by parties seeking to undermine the authority of religious courts in maintaining legal order regarding family and economic matters of the Muslim community.

While this study offers a comprehensive analysis, its scope is limited by a primary focus on written norms rather than sociological implementation. Additionally, it does not extensively address the challenges of harmonizing Islamic law in regions with special autonomy and unique legal characteristics. Future research should prioritize empirical field studies to evaluate the effectiveness of these regulations in shaping community legal behavior. A further recommendation is to enhance the quality of human resources within the judiciary and bureaucracy to ensure a balanced understanding of both Islamic legal principles and modern constitutional frameworks. Sustaining the synergy between Islamic legal values and constitutionalism remains essential for developing a national legal system that is just, prosperous, and civilized.

C. CONCLUSIONS

Islamic law occupies a strategic and constitutional role in Indonesia's national legal system, rooted in the principles of Articles 24 and 29 of the 1945 Constitution and the values of Pancasila. Islamic law has evolved from a theological norm to positive law through the formalization of legislation and the integration of Sharia values into public policy, establishing a legal system that is just, inclusive, and responsive to the needs of the Muslim community. These findings emphasize the importance of strengthening the status of Islamic legal instruments such as the Compilation of Islamic Law into law and developing a roadmap that harmonizes religious values with human rights principles and modern governance. While this normative analysis is comprehensive, further empirical research is needed to evaluate public acceptance, barriers to implementation, and the synchronization of Islamic law with international law.

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