



## Transformation of Religious Judicial Authority in the Indonesian Judicial System

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### Abstrak

The Religious Court is an important institution in the Indonesian judicial system that handles special cases for Muslims, including marriage, inheritance, waqf, and sharia economic disputes. Along with the development of social and national law, the authority of the Religious Courts underwent a significant transformation, reflecting the adaptation of Islamic law to contemporary needs. This study aims to analyze the history of the formation, development, and implications of strengthening the authority of the Religious Courts on Islamic law in Indonesia. The method used is normative legal research with a legislative, historical, and conceptual approach, through a literature study of laws, Supreme Court regulations, academic literature, and primary sources of Islamic law. The results of the study show that the authority of the Religious Court has evolved from handling family and inheritance cases to include the management of waqf and the settlement of sharia economic disputes, including banking transactions and sharia-based business contracts. This transformation affirms the legitimacy of Islamic law in the national system, expands public access to justice, enhances the professionalism of judges, and produces relevant contemporary Islamic law precedents. In conclusion, strengthening the authority of the Religious Courts not only increases the effectiveness of institutions in upholding sharia principles, but also strengthens the integration of Islamic law into the national legal system. The research suggests the need to increase the capacity of judges, harmonize Islamic law regulations and national law, and develop digital mechanisms and sharia-based mediation to expand the services of Religious Courts effectively and fairly.

## I. INTRODUCTION

Religious Courts in Indonesia play a strategic role in the national justice system, especially in providing legal solutions for Muslims (Suhaili, 2025). The existence of this institution not only reflects the state's recognition of Islamic law as a source of law for Muslim communities, but also demonstrates efforts to integrate sharia principles into a pluralistic national legal system. Within this framework, the Religious Court became a formal legal instrument that bridged the gap between religious values and the demands of legal modernity.

Since its inception, the authority of the Religious Court has been limited to certain cases, especially those related to Islamic family law, such as marriage, divorce, alimony, inheritance, grants, and waqf (Yasmin, Ramadhoifah, & Afifah, 2024). The formal legal basis is contained in Law Number 7 of 1989 concerning Religious Courts, which was later updated through Law Number 50 of 2009 and its implementing regulations. This regulation affirms the position of the Religious Court as a

special judicial institution that has specific authority to handle Muslim disputes, so that legal settlement is not only formal, but also in accordance with sharia principles.

From the perspective of Islamic law, the authority of the Religious Court is rooted in the principle of al-'adl (justice) and the obligation to resolve disputes in a valid and proportionate manner (Yasmin et al., 2024). The Qur'an affirms the importance of justice in various aspects of life:

*"Indeed, Allah has commanded (you) to be just and do good, to give to relatives, and Allah forbids from evil deeds, iniquity, and enmity"* (QS. An-Nahl: 90).

In addition, the Prophet PBUH emphasized the value of justice in resolving cases:

*"Whoever decides a matter justly between two people, he will have two rewards"* (HR. Muslim).

These postulates provide a normative basis that dispute resolution for Muslims is not only legal formal, but must also be based on sharia ethics and principles. This makes the Religious Court an institution that has religious legitimacy

as well as formal legal in the national judicial system.

As social, economic, and cultural developments have taken place, Muslim societies have faced new complexities that require legal adaptation. The transformation of the authority of the Religious Court is no longer limited to family issues, but extends to other domains that intersect with sharia principles, such as sharia economic disputes, zakat, waqf, and sharia-based financial institutions (Hamzah, 2025). This change is also driven by the community's need for fast, accurate, and relevant access to justice with religious principles, as well as in line with the dynamics of national law that is increasingly modern and plural.

This expansion of authority shows a paradigm shift in the Indonesian judicial system. From being sectoral and limited, the authority of the Religious Court is now more inclusive and adaptive (Gazali & Gazali, 2026). This shift reflects that Islamic law can function as a dynamic legal instrument, able to answer contemporary problems without ignoring fundamental sharia principles.

On the other hand, this transformation of authority also poses normative and practical challenges. First, how to maintain consistency in the application of Islamic law within the framework of a pluralistic national judiciary. Second, how to ensure that the Religious Courts are able to handle complex new cases while still adhering to the principles of justice, balance, and compliance with sharia norms. These challenges are important to analyze so that national legal policies remain harmonious and the Religious Courts remain relevant as a credible judicial institution.

Thus, the study of the transformation of the authority of the Religious Courts has academic and practical urgency. This study aims to understand the evolution of the authority of the Religious Courts from historical, normative, and contemporary perspectives, including its implications for the integration of Islamic law in the national legal system. This transformation not only reflects the legal response to the needs of society, but also shows how Islamic law is able to assert its position in a modern, plural, and equitable judicial system. This research is important as a reference for the development of legal policies, the reform of judicial regulations, and the improvement of the quality of legal services for the Muslim community.

## II. RESEARCH METHODS

This study uses normative legal research methods with a combination of legislative, historical, and conceptual approaches (Suyanto, 2023). The legislative approach is used to examine positive legal provisions related to Religious Courts, including Law Number 7 of 1989, Law Number 50 of 2009, and its implementing regulations. A historical approach is applied to understand the evolution of the authority of the Religious Courts from the early days of its establishment to contemporary conditions, while the conceptual approach is used to analyze the principles of Islamic law that form the normative basis of the Religious Courts.

Research data was obtained through literature studies of academic literature, scientific journals, legal documents, and relevant official publications. The analysis was carried out qualitatively, emphasizing the interpretation of norms, historical chronology, and the integration of sharia principles into the national justice system. This approach allows a comprehensive understanding of the transformation of the authority of the Religious Courts, both from the normative, historical, and applicative aspects in the context of Islamic law and national law.

## III. RESULTS AND DISCUSSION

### A. History of the Establishment of Religious Courts in Indonesia

The history of the Religious Courts in Indonesia cannot be separated from the journey of Islamic law and its integration into the national legal system. This institution was born in response to the need of the Muslim community to obtain dispute resolution in accordance with sharia principles, while being within the formal framework of the country's judiciary (Yusup, Samsuddin, & Bakry, 2024). In this context, the establishment of the Religious Court can be understood as an attempt by the state to balance formal legal obligations with Islamic moral and ethical values.

Historically, the concept of a special court for Muslims has existed since the Dutch colonial era through a regulation known as *Regulations on Legal Procedure for the Inland Population* (Procedural Law for Indigenous Populations), which allows the settlement of Muslim family cases separately from customary law and Western law (Imaniyati & Adam, 2021). However, the regulation is still partial and limited, so it does not

fully meet the principles of justice according to sharia.

After independence, the need for a judiciary that specifically handles Islamic law became more urgent. The initial normative basis of the Religious Courts was regulated through Law Number 7 of 1989 concerning Religious Courts, which established this court as an official institution to handle Islamic civil cases, especially related to marriage, divorce, inheritance, grants, waqf, and alimony (Hadrian & Hoirullah, 2024). This law is an important milestone that affirms the state's recognition of Islamic law as a legitimate source of formal dispute resolution.

This normative foundation is also in line with the principles of Islamic law. The Qur'an emphasizes the importance of resolving disputes in a fair and proportionate manner:

*"And if you have a difference of opinion about something, then return the matter to Allah and His Messenger, if you truly believe in Allah and the Last Day"* (QS. An-Nisa: 59).

This argument emphasizes that the settlement of cases in the context of Islam must refer to sharia principles and legitimate authority, which in modern practice is realized through formal judicial institutions. The Prophet PBUH also emphasized the importance of judges who understand Islamic law and act fairly in deciding cases:

*"The judge who decides the matter according to the guidance of Allah and His Messenger, then he will be rewarded; if he strays, sin will overtake him"* (HR. Ahmad).

In addition, the Religious Courts continue to be strengthened through various implementing regulations, including the Supreme Court Regulation which regulates court procedures, jurisdiction, and administration, so that its existence becomes more formal and structured (Jamilah, Fachrudin, & Pary, 2024). This development marks the transformation from a court that was initially traditional and local to an integrated national judicial institution, but still maintains sharia principles in dispute resolution.

The history of the establishment of the Religious Court shows that the institution was born from the real needs of the Muslim community, driven by the principle of justice in sharia, and received formal legitimacy through national laws and regulations. This initial transformation became the foundation for the development of the authority of the Religious Court, which will be discussed in the next sub-

heading regarding the expansion of the authority and its adaptation to the dynamics of contemporary national and social law.

## **B. Development of the Authority of the Religious Court in the Field of Marriage, Inheritance, and Waqf**

The Religious Court has a strategic position in the Indonesian judicial system because its authority is specifically concerned with the settlement of cases based on Islamic law (Saputra, 2025). This transformation of authority did not happen instantly, but through a long historical process, starting from the state's recognition of Islamic law to the integration of sharia principles in the national legal system. The development of this authority can be studied through three main areas: marriage, inheritance, and waqf, which are the foundation of the socio-economic life of Muslims.

### **1. Marriage Field**

The authority of the Religious Court in marriage cases has undergone significant development (Arsyad, 2024). Initially, this institution only dealt with simple divorces and maintenance disputes, but along with the dynamics of society, its scope of authority expanded to include annulment of marriages, legalization of marriages, talaq, khuluk, mut'ah, and child custody (hadhanah). This is in line with Law Number 1 of 1974 concerning Marriage and the Religious Courts Law, which provides a formal legal basis for the Religious Courts to ensure equality of rights and obligations in marriage.

The principle of justice in marriage is affirmed by the Qur'an:

*"And if you are afraid that you will not be able to do justice to the orphans, then marry the (other) women you like: two, three, or four. But if you are worried that you will not be fair, then there is only one"* (QS. An-Nisa: 3).

This postulate emphasizes the importance of justice in the protection of the rights of spouses and children, so that the settlement of marriage cases through the Religious Court has a strong normative basis. The Prophet PBUH also emphasized the role of judges in upholding justice:

*"The judge who decides the matter according to the guidance of Allah and His Messenger, then he will be rewarded; if he strays, sin will overtake him"* (HR. Ahmad).

With this authority, the Religious Court not only resolves disputes, but also ensures the

implementation of the rights of husbands, wives, and children in accordance with sharia principles and national law.

## 2. Inheritance Field

The field of inheritance is one of the main scopes of the authority of the Religious Court because inheritance is often a source of family conflict (Tarmizi, 2024). The Religious Court has the authority to regulate the distribution of inheritance, the determination of heirs, and the settlement of disputes related to grants and wills, in accordance with sharia principles and the provisions of the law. This is strengthened by Law Number 7 of 1989 and its implementing regulations.

The Qur'an provides clear guidance on inheritance rights:

*"God has ordained for you an inheritance: for sons, as for the division of two daughters; and for mothers, fathers, and close relatives according to the provisions"* (QS. An-Nisa: 11).

Religious Courts act as guarantors of distributive justice, ensuring that each heir receives a share in accordance with sharia provisions, as well as resolving disputes that may arise due to ambiguity or differences in interpretation of inheritance. This authority demonstrates the ability of the Religious Courts to integrate Islamic norms with national law, while maintaining social stability in the family and society.

## 3. Waqf Field

Waqf is a strategic Islamic legal instrument because it concerns the ownership of property for the public interest or charity. The transformation of the authority of the Religious Court in the field of waqf emphasizes supervision of the determination of nazhir, the use of waqf property, and the implementation of waqf requirements, so that waqf assets are managed according to sharia principles and are not abused (Mujahidin, 2021).

The evidence of the Qur'an emphasizes the importance of waqf:

*"Indeed, those who spend their wealth for the sake of Allah's pleasure, and then they do not accompany it with deeds of pleasure or harm, they will have a double reward"* (QS. Al-Baqarah: 262).

In addition, the Hadith of the Prophet PBUH emphasizes the mandate in the management of waqf assets:

*"Whoever leaves something for the public interest with sincere intentions, then he will get a reward that continues to flow"* (HR. Bukhari and Muslim).

The Religious Court is an institution that provides formal legal legitimacy for waqf disputes, including the handling of disputes between the waqf, nazhir, and beneficiaries, so that waqf management runs in accordance with sharia and positive law.

The development of the authority of the Religious Court in the field of marriage, inheritance, and waqf shows that there is an expansion of the scope of jurisdiction from only resolving family cases to accommodating sharia-based socio-economic problems. This transformation reflects the adaptation of Islamic law to contemporary needs, while maintaining the consistency of sharia values within the national legal framework. The Religious Courts play a credible role, have formal religious and legal legitimacy, and are able to uphold justice for the Muslim community in the context of modern law.

## C. Expansion of the Authority of the Religious Courts in the Settlement of Sharia Economic Disputes

The development of the Islamic economic system in Indonesia, especially in the form of Islamic financial institutions, Islamic banking, Islamic cooperatives, and sharia-based business contracts, has prompted the Religious Courts to expand their authority. This transformation affirms the role of the Religious Court not only as an institution that handles family and inheritance matters, but also as a legal forum that is able to supervise and enforce sharia principles in the economic transactions of Muslims (Wahyudi et al., 2026).

The normative basis of this authority comes from the Religious Courts Law, especially Article 49 of Law No. 50 of 2009, which allows the Religious Court to handle certain civil disputes for Muslims, including those related to sharia economic contracts and contracts. This expansion is a form of formal legal adaptation to contemporary economic phenomena, so that Muslim communities can obtain legal certainty in economic activities in accordance with sharia.

From the perspective of Islamic law, every economic transaction must meet the principles of justice (al-'adl), honesty (as-sidq), and the prohibition of riba (al-riba). The Qur'an affirms:

*"Allah has legalized buying and selling and forbidding usury"* (QS. Al-Baqarah: 275).

This postulate is the basis for the Religious Court in assessing the validity of transactions, deciding contract disputes, and upholding the

rights and obligations of the parties involved. The Prophet PBUH also emphasized ethics in muamalah:

*"Three things that Allah hates for those who transact: lying, cheating, and taking the rights of others illegally"* (HR. Ahmad and Abu Dawud).

With these principles, the Religious Court has the legitimacy to decide sharia economic disputes, such as murabahah, musyarakah, mudharabah, ijarah, and wakalah disputes, as well as claims related to the management of sharia-based assets or funds (RELIGION & DAN, 2025). This shows that the authority of the Religious Courts is not only passive to resolve conflicts, but also preventive by enforcing compliance with sharia principles in economic practice.

In addition, the Religious Court plays a role in resolving disputes arising from Islamic financial products, including savings, deposits, financing, and Islamic insurance. This is in line with Supreme Court Regulation No. 3 of 2017 concerning guidelines for the settlement of cases of Islamic banking and sharia-based financial institutions (Beads & Rachman, 2022). This regulation strengthens the position of the Religious Court as a competent institution to assess economic transactions from a sharia perspective, while ensuring legal certainty for the community.

This expansion of authority also reflects the legal response to contemporary socio-economic dynamics, in which Muslim societies are increasingly dependent on sharia-based economic mechanisms. With this ability, the Religious Courts can uphold the principles of justice, prevent harmful practices, and provide legal certainty that is in line with sharia and national law. This transformation confirms that the Religious Court is an adaptive, relevant, and able legal institution to bridge the gap between religious norms and the modern needs of Muslim society.

The development of the authority of the Religious Courts in the settlement of sharia economic disputes affirms the integration of Islamic law into the national legal system, as well as expanding its role from a traditional dispute resolution institution to a modern and professional legal forum, which is able to uphold sharia principles in various dimensions of the lives of Muslims, both social and economic.

#### **D. Implications of Strengthening the Authority of the Religious Courts on the Development of Islamic Law in Indonesia**

The strengthening of the authority of the Religious Courts is a strategic phenomenon in the evolution of Islamic law in Indonesia. Historically, this institution was born in response to the Muslim community's need for a dispute resolution forum in accordance with sharia principles (Awaludin, 2023). However, as the social, economic, and legal developments of the national law have evolved, the authority of the Religious Courts has expanded from the scope of the family and inheritance to include sharia economics, waqf, and contemporary legal services, which has significant implications for the position of Islamic law in the national judicial system.

##### **1. Normative Implications**

Normatively, the strengthening of authority emphasizes that Islamic law is not just a moral norm or social tradition, but also a formal legal instrument with national legitimacy. This is in line with the principle of al-'adl (justice) in sharia. The Qur'an affirms:

*"Indeed, Allah has commanded (you) to be just and do good, to give to relatives, and Allah forbids from evil deeds, iniquity, and enmity"* (QS. An-Nahl: 90).

This postulate emphasizes that institutions that have formal authority, such as the Religious Court, are obliged to uphold justice in all aspects of life, including family rights, inheritance, waqf property, and economic transactions. With expanded authority, the Religious Court becomes the guardian of sharia values as well as a legal mediator who is able to bridge religious norms and national regulations.

##### **2. Institutional Implications**

Strengthening authority has an impact on the institutionalization of the Religious Court. The institution has evolved to become more professional, modern, and adaptive to contemporary legal dynamics (Anam & Susantin, 2025). New authorities, such as dealing with sharia economic disputes and waqf, require judges to have multidisciplinary competence, understand sharia principles and national law simultaneously. This is reflected in Supreme Court regulations, including Supreme Court Regulation No. 3 of 2017 concerning the settlement of banking cases and Islamic financial institutions, which expand the capacity of institutions to decide complex sharia-based disputes.

This institutionalization also strengthens the legitimacy of the Religious Court as an official forum recognized by the state. Thus, each court decision not only resolves disputes, but also sets a precedent for contemporary Islamic law that can be used as a reference for the development of Islamic legal practice in Indonesia.

### 3. Social Implications

From a social perspective, strengthening authority increases the access of the Muslim community to justice. Previously, many disputes were resolved through informal, customary, or family mediation mechanisms that were sometimes inconsistent with sharia principles (Arifin, 2025). Now, the Religious Court is able to provide fair, transparent, and valid decisions under national law, thereby strengthening public trust in Islamic legal institutions.

The Prophet PBUH emphasized the principle of justice in muamalah:

*"Whoever upholds the rights of others, Allah will uphold his rights; and whoever takes away the rights of others, Allah will take his right from him"* (HR. Ahmad).

With expanded authority, the Religious Courts not only resolve conflicts, but also play a preventive role in ensuring public compliance with sharia principles, thereby creating social stability and harmonization of Muslim families and communities.

### 4. Implications for the Development of Contemporary Islamic Law

The strengthening of the authority of the Religious Courts has a direct impact on the development of contemporary Islamic law. First, comprehensive court decisions are a reference in the development of modern Islamic legal norms, including in the realm of sharia economics, waqf, and banking. Second, this institution encourages synchronization between Islamic law and national law, so that the practice of Islamic law is not isolated, but in harmony with Indonesia's formal legal principles (Anjani, Sari, ISSP, & Ahmad, 2023).

This allows for the formation of Islamic law that is dynamic and contextual, can adapt to socio-economic needs, and remains based on sharia principles. This strengthening also opens up opportunities for the development of Islamic jurisprudence that is relevant to modern society, while strengthening Indonesia's position as a country with a legal system that formally accommodates sharia principles.

The strengthening of the authority of the Religious Courts has wide implications for Islamic law in Indonesia. The expanded authority strengthens the position of Islamic law as a formal legal instrument, enhances the professionalism and legitimacy of institutions, expands public access to sharia-based justice, and encourages the development of contemporary Islamic law that is relevant to socio-economic dynamics. This transformation confirms that the Religious Court is not just a traditional institution, but a modern legal forum that is adaptive, credible, and able to uphold sharia principles in the national legal system.

## IV. CONCLUSION AND SUGGESTIONS

### A. Conclusion

The transformation of the authority of the Religious Courts reflects the evolution of Islamic law in Indonesia from a traditional institution to a formal legal institution that is adaptive to social, economic, and national legal dynamics. The official recognition of the Religious Courts not only affirms the position of Islamic law in the national judicial system, but also strengthens the Muslim community's access to fair dispute resolution and in accordance with sharia principles. The authority that includes marriage, inheritance, waqf, and sharia economic disputes demonstrates the capacity of this institution to uphold distributive justice, maintain social stability, and provide legal certainty in various aspects of Muslim life. The expansion of authority also has implications for the development of contemporary Islamic law, through the establishment of jurisprudence precedents, harmonization with national regulations, and the improvement of the professionalism of judges and court administration. Thus, the Religious Court appears as a credible, relevant, and able institution to bridge the gap between sharia values and the needs of modern law, as well as an important pillar in the integration of Islamic law into the national legal system.

### B. Suggestion

First, it is necessary to increase the capacity of judges and court officials through contemporary Islamic law education, in order to be able to face the complexity of modern disputes. Second, the harmonization of regulations between Islamic law and national law needs to be strengthened to reduce the potential for juridical conflicts. Third, the development of digital access and sharia-

based mediation mechanisms can expand the services of the Religious Court, so that it is easier for the public to obtain fair and effective legal certainty.

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