



The Politics of Islamic Law in Indonesia: The Dynamics of Sharia Integration in the National Legal System

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Abstrak

This research discusses the politics of Islamic law in Indonesia and the dynamics of sharia integration in the national legal system. As a Muslim-majority country, Indonesia faces challenges in balancing the aspirations of Muslims with the principle of a plural state of law. The purpose of this research is to analyze the development of Islamic law from the colonial period to the modern era, understand the process of integrating Islamic law through formal regulations, and evaluate the challenges and prospects of the development of Islamic law in the context of national legal politics. The research method used is normative legal research with a legislative, historical, and conceptual approach. Data were obtained through literature studies on laws and regulations, academic literature, historical documents, and previous research on Islamic law and legal politics in Indonesia. The analysis was carried out qualitatively to interpret the relevance of sharia norms, national regulations, and political and legal dynamics. The results of the study show that Islamic law in Indonesia developed through a long process of adaptation, starting from limited recognition during the colonial period, the strengthening of religious courts and marriage laws at the beginning of independence, to the integration of the sharia economy in the modern era. The political law of the state has a strategic role in determining the direction of legislation, balancing the interests of the Muslim majority with the constitution, and ensuring that Islamic law functions effectively. Key challenges include social diversity, regulatory harmonization, and implementation capacity, but development prospects remain open through a maqashid al-shariah-based approach. In conclusion, the integration of Islamic law in Indonesia is not just a formality, but part of the construction of national law that is adaptive, relevant, and based on justice and benefits. It is recommended to strengthen the capacity of religious courts, harmonization of regulations, and legal literacy of the community to ensure that Islamic law plays an optimal role in the national legal system.

I. INTRODUCTION

Indonesia as a country with a majority Muslim population has unique social, cultural, and political characteristics. The majority of the Muslim population considers Islamic sharia values not only as a guideline for worship, but also as a moral and ethical reference in social, economic, and political life (Abdillah, 2024). The position of Islamic law in the life of the Indonesian people cannot be separated from the principles of justice, benefit, and compliance with religious norms. In the perspective of the Qur'an, the just enforcement of the law is a fundamental responsibility, as affirmed:

"O you who believe! Uphold justice, be a witness for Allah, even against yourselves or against your parents and relatives." (QS. An-Nisa': 135)

This argument emphasizes that the principle of justice in law is the main instrument to maintain

social balance, and implicitly demands the integration of sharia principles in the legal system that applies in society. In addition, the Prophet PBUH emphasized the importance of the application of fair law as a pillar of the development of a harmonious and moral society:

"Whoever establishes the law among men with justice, he will have a reward like the reward of the prophets without diminishing their reward in the slightest." (HR. Ahmad and al-Hakim)

Historically, the integration of Islamic law into the Indonesian legal system has undergone various phases of development. During the colonial period, the regulation of Islamic law was still partial. The Dutch colonial government recognized Islamic law, especially in the realm of family and inheritance law through the *Copyright*, but its implementation was limited by the dominance of Dutch law (Fitriani, Sitio, & Syahuri,

2024). At that time, the legal politics applied were instrumental and segregative, so Islamic law was positioned as a secondary law, while colonial national law became the primary law.

Entering the early period of independence, efforts to integrate Islamic law became more evident through the establishment of religious justice institutions, which were then formally recognized in the national judicial system. The Supreme Court of the Republic of Indonesia gives legitimacy to religious courts that handle marriage, inheritance, and waqf cases (Hidayanti, Salsabila, Nurhidayati, & Saiin, 2025). Positive legal regulations that accommodate the principles of Islamic sharia have begun to be issued, including the Marriage Law No. 1 of 1974, the Sharia Banking Law, and other laws and regulations that touch on economic aspects, zakat, and waqf. This integration shows the existence of a strategic Islamic legal politics, which is a systematic effort by the state to harmonize Islamic law with pluralistic national law.

In the reform era, the political dynamics of Islamic law underwent a significant transformation. Political decentralization opens up space for the development of regional regulations based on Islamic law, including sharia regulations in various provinces (Sumirat, 2015). This phenomenon shows the adaptation of Islamic law to local needs, as well as the challenge of maintaining harmony with the principle of a secular-constitutional state of law. The integration of Islamic law in the national legal system depends not only on formal regulations, but also on social, political, and cultural factors, including the influence of interest groups, public understanding of the sharia, and the interpretation of the law by judicial institutions (Wicaksono, Hutasoit, & Sjojfan, 2025).

In addition, the integration of Islamic law in the national legal system in Indonesia is also influenced by international dynamics and legal modernization. The globalization of law encourages harmonization between sharia principles and international legal standards, especially in the fields of economics and banking (Ritiau & Baidhowi, 2025). This requires the development of a responsive, adaptive, and contextual legal politics, so that Islamic law remains relevant without losing its conformity with the constitution and democratic principles.

With this background, this study aims to analyze the political dynamics of Islamic law in Indonesia as well as the factors that affect the

integration of Islamic law in the national legal system. This research will explore the historical, normative, and contemporary aspects of Islamic legal politics, so as to provide a comprehensive understanding of the position of Islamic law in shaping a plural and fair national legal system. The results of this research are expected to make a conceptual and empirical contribution to the development of Islamic law studies, as well as a reference for the formulation of legal policies that respect religious values and the principles of the state of law.

II. RESEARCH METHODS

This research uses a normative legal research method, which emphasizes analysis of applicable legal norms (Suyanto, 2023). The approach used includes the legislative approach (*Statute approach*) to examine the regulations that accommodate Islamic law in the national legal system, a historical approach to trace the political development of Islamic law from the colonial period to the reform era, as well as a conceptual approach to understanding the basic principles and theories of integration of Islamic law within the framework of the national legal system.

The research data was obtained through *library research* which includes laws and regulations, academic literature, historical documents, and previous research related to Islamic law and legal politics in Indonesia. The analysis was carried out qualitatively, by interpreting the relevance of regulations, Islamic legal principles, and political legal dynamics to gain a comprehensive understanding of the integration of Islamic law in the national legal system.

III. RESULTS AND DISCUSSION

A. The Development of Islamic Law in Indonesia from the Colonial Period to the Beginning of Independence

The history of Islamic law in Indonesia shows that since its inception, Islamic sharia has been an integral part of the social life of Muslim society (Fikri, 2025). The arrival of Islam to the archipelago brought a legal system based on the Qur'an, Hadith, and fiqh principles that emphasized justice, obedience to individual rights, and protection of the welfare of the ummah. In this context, the Qur'an affirms the importance of law enforcement and justice:

"O you who believe! Uphold justice, be a witness for Allah, even against yourselves or against your parents and relatives." (QS. An-Nisa': 135)

This postulate is the normative foundation that encourages Muslim communities to uphold the principles of Islamic law, both in personal and social life, including in family affairs, inheritance, and economic transactions. The Prophet PBUH also emphasized the principle of justice in law enforcement:

"Whoever establishes the law among men with justice, he will have a reward like the reward of the prophets without diminishing their reward in the slightest." (HR. Ahmad and al-Hakim)

During the Dutch colonial period, Islamic law was not applied comprehensively, but was partially recognized through *Copyright* and colonial rule (*Rules of Procedure for the Organisation of the Judiciary*, 1926) (Fitriani et al., 2024). Islamic law is only applied to the Muslim community in the realm of family law, inheritance, waqf, and certain civil aspects, while Dutch law is the main reference in criminal and administrative matters. The position of Islamic law at that time was sectoral, showing that the integration of Islamic law was still limited and lacked comprehensive legitimacy in the colonial legal system (Kurniati, 2022).

Nevertheless, the religious courts (*Sharia Courts*) has provided space for the Muslim community to practice the Shari'ah in their daily lives (Yasmin, Ramadhoifah, & Afifah, 2024). These courts became a legitimate legal instrument for enforcing family law and the rights of Muslim communities. In practice, local scholars and community leaders acted as mediators between the interests of the community and colonial regulations (Alim, 2024). This role is very important because it shows the adaptation of Islamic law in a contextual manner, where the sharia is able to adapt to the socio-political conditions that limit its implementation. The concept of *fiqh* about the benefits (*Maslahah Mursalah*) explains that Islamic law must benefit and protect society in every circumstance, including when under the influence of foreign law.

Entering the era before independence, the development of Islamic law in Indonesia showed a significant transformation. Nationalism awareness and independence movements encourage the strengthening of Islamic legal legitimacy in the national legal system (Jumiati, 2025). The Indonesian government began to recognize religious courts as a legitimate formal

legal institution to regulate family, inheritance, and waqf matters for Muslims. This recognition is in line with the principles of *maqashid al-shariah*, namely the protection of religion, soul, intellect, descent, and property (*Hifz al-din, al-nafs, al-'aql, al-nasl, al-mal*), so that the integration of Islamic law is not only symbolic, but also has practical implications in the implementation of national law.

In addition, the integration of Islamic law in this period was influenced by the socio-political dynamics of society. Muslim society demands legal certainty in accordance with the sharia, while the political and government elites seek to balance these demands with the principle of a plural rule of law and accommodating non-Muslim minorities (Stars, 2025). This process demonstrates the political complexity of Islamic law, where the integration of Islamic law cannot be carried out directly, but through lengthy normative, social, and political negotiations.

Thus, the development of Islamic law from the colonial period to the beginning of independence can be seen as a process of adaptation, legitimization, and internalization of sharia norms in a plural legal system mixed with colonial law. This stage became an important foundation for the integration of Islamic law into the national legal system, which would later develop more complex in the post-independence and reform era. This historical study shows that Islamic law in Indonesia has always been dynamic, based on the principles of justice and benefit, and able to adapt to different legal political contexts, without losing the normative foundation of sharia.

B. Integration of Islamic Law in the National Legal System

The integration of Islamic law in Indonesia's national legal system is the result of a long legal political process, in which sharia norms are adapted into a positive legal framework (Wicaksono et al., 2025). This process is not only normative, but also pragmatic, taking into account the diversity of society and the principle of a plural state of law. This integration can be clearly seen in three main areas, namely marriage law, religious justice, and sharia economics.

First, marriage law is one of the earliest and most significant areas in the integration of Islamic law. Marriage Law No. 1 of 1974 is a national regulation that accommodates sharia principles in marital affairs, including marriage procedures, the rights and obligations of husband and wife,

and the distribution of inheritance (Tanjung, Arfa, & Turnip, 2025). From the perspective of sharia, marriage is not just a social contract, but also a worship that aims to create peace, blessings, and family sustainability. The Qur'an confirms this:

"And among the signs of His greatness is that He created for you couples of your own kind, so that you may feel at peace with him, and He made among you love and affection." (QS. Ar-Rum: 21)

This regulation emphasizes the need to protect the rights of husbands, wives, and children in accordance with the principles of Islamic justice, while providing a legal basis recognized by the state. The integration of marriage law shows how the principles of sharia can be carried out legally formally within the framework of national law without ignoring the diversity of society.

Second, religious justice (*Sharia Courts*) became an official instrument to enforce Islamic law in the realm of family, inheritance, waqf, and some cases of sharia economics. The religious courts, which are formally regulated through Law No. 7 of 1989 and strengthened by Law No. 3 of 2006 concerning Religious Courts, function as legal institutions that apply sharia principles in a contextual manner (Rasyid & Lubis, 2024). The hadith of the Prophet Muhammad PBUH emphasizes the importance of upholding justice in the settlement of cases:

"Whoever establishes the law among men with justice, he will have a reward like the reward of the prophets without diminishing their reward in the slightest." (HR. Ahmad and al-Hakim)

Religious courts provide formal legitimacy and legal access for Muslim communities, so that the integration of Islamic law is not only symbolic, but tangible in law enforcement practice. It also shows how national law accommodates the needs of Muslims without ignoring constitutional principles.

Third, sharia economics is another field that shows the process of integrating Islamic law in the national system. Regulations related to the Islamic economy, including Law No. 21 of 2008 concerning Sharia Banking and the Financial Services Authority (OJK) regulations, allow economic and financial practices based on sharia principles, such as the prohibition of usury, profit sharing, and zakat (Rohmah, 2024). The Qur'an emphasizes the principle of justice and the prohibition of usury:

"Those who eat usury cannot rise but are like those who are possessed by Satan because of a mad disease..." Al-Baqarah: 275)

The integration of sharia economics shows the adaptation of Islamic law to modern needs, while at the same time bridging the interests of religion and the principles of national law. This indicates that Islamic legal politics in Indonesia is able to balance between religious norms, public interests, and the constitution.

Overall, the process of integrating Islamic law through marriage law, religious justice, and sharia economics reflects a strategic and adaptive legal politics, in which sharia norms are systematically translated into national legal frameworks. This integration affirms the role of Islamic law as part of the construction of national law, not as a separate legal system, but as a source of values and principles that guide the implementation of positive law, in accordance with maqashid al-shariah to protect religion, soul, intellect, posterity, and property.

C. The Influence of State Law Politics on the Development of Islamic Law Legislation in Indonesia

The development of Islamic law in Indonesia cannot be separated from the political dynamics of state law, namely the process of formulating, applying, and supervising regulations that are influenced by political goals, ideology, and public interests (Lubis, Dwi, & Ikram, 2025). State legal politics plays an important role in determining the scope, form, and substance of legislation that accommodates sharia norms, while ensuring conformity with constitutional principles and plurality of society (Tarigan, 2024). In an Islamic perspective, the state has a moral responsibility to uphold just laws and protect the rights of citizens:

"Indeed, Allah commands you to be just and to do good to your relatives..." (QS. (58)

This argument emphasizes that law enforcement is not just a formality, but an ethical and religious obligation that must be internalized in every state policy, including in Islamic legal politics.

Since the early days of independence, Indonesia's legal politics have formed a legislative framework that allows for the integration of Islamic law into national law. For example, the recognition of religious courts through Law No. 7 of 1989 and its strengthening through Law No. 3 of 2006 show how state policies facilitate the existence of Islamic law formally (Nurasiah & Ananda, 2025). This decision reflects a political and legal strategy that considers the interests of

the majority of Muslims while maintaining national unity and the principle of the rule of law.

In addition, the politics of state law are also seen in the regulation of marriage law, which is outlined in Law No. 1 of 1974. This legislation is the result of a compromise between sharia norms, the aspirations of the Muslim community, and the principle of legal equality for all citizens (Saputra, Ananda, & Turnip, 2025). The Qur'an emphasizes the purpose of marriage that must be regulated in a fair and harmonious manner:

"And marry those who are alone among you, and those who are worthy (to marry) from your servants..." An-Nur: 32)

By responding to these aspirations, the country's legal politics facilitate the achievement of a balance between religious interests and national legal principles, while ensuring legal certainty for the Muslim community.

The influence of political law is also seen in the field of Islamic economics, especially with the presence of Law No. 21 of 2008 concerning Sharia Banking and OJK regulations that regulate Islamic financial institutions. This policy arises from the country's strategic considerations to encourage financial inclusion, maintain economic stability, and align sharia practices with national and international standards (Umam, 2021). This shows that the political law of the state not only sets regulations, but also organizes the implementation mechanism so that Islamic law can function effectively in the modern context.

Furthermore, the political law of the state influences the direction of legislation through the development of national laws and ideologies, where Islamic law is selectively integrated according to social, political, and economic needs. In this context, the state acts as a mediator between the demands of the Muslim community and the principle of a secular-constitutional state of law. The fiqh principle of benefit (*maslahah mursalah*) is relevant to explain this approach, namely that the law must benefit society at large, including in the adjustment of Islamic regulations to the national interest.

Thus, the influence of state law politics on the development of Islamic law legislation in Indonesia is strategic, adaptive, and normative. The politics of law not only determine whether Islamic law is recognized, but also how the substance of the sharia is translated into positive regulations that function effectively, fairly, and in accordance with the principles of maqashid al-shariah. The integration of Islamic law through

the politics of state law shows a balance between religious, social, and constitutional interests, so that Islamic law remains relevant and functional in a plural national legal system.

D. Challenges and Prospects for the Development of Islamic Law in the National Legal System

The development of Islamic law in Indonesia's national legal system is a complex and dynamic process. This process is influenced not only by sharia norms, but also by social, political, economic, and constitutional law factors (Scott, 2025). From an Islamic perspective, every legal development effort must be based on the principles of justice, the benefits of *Maslahah*, and balance, as affirmed in the Qur'an:

"Allah wants to benefit you, and does not want hardship for you." (QS. Al-Baqarah: 185)

This postulate emphasizes that the application of Islamic law must be adaptive to the socio-political conditions of society, while maintaining the main objectives of sharia (*Maqashid al-Shariah*), namely the protection of religion, soul, intellect, posterity, and property (*Hifz al-din, al-nafs, al-'aql, al-nasl, al-mal*) (Mr & Noor, 2014).

One of the main challenges is the diversity of Indonesian society. The country is made up of various religions, tribes, and cultures, so the integration of Islamic law cannot be applied homogeneously. The demands of the majority of Muslims for sharia-based regulation often intersect with the principle of equality and the rights of minority groups. For example, some sharia regional regulations in Aceh have raised debates about the limits of regional authority and the rights of non-Muslims (Sanders, 2025). In this context, the legal politics of the state must balance the aspirations of the Muslim community with the principle of inclusivity, in accordance with the rules of fiqh:

"A leader does not lead a people except for their good, and he will be held accountable for his leadership." (HR. Al-Bukhari and Muslim)

This principle is a normative guideline for policymakers to develop Islamic regulations in a fair manner, without causing discrimination against minority groups.

Another challenge arises from the secular-constitutional structure of national law, where legislation must be aligned with the 1945 Constitution and the principle of the rule of law. Some sharia-based regulations often face obstacles in terms of constitutional conformity,

such as regional regulations that conflict with the principles of freedom of religion or human rights. This requires a strategic and normative approach to legal politics, so that the integration of Islamic law remains relevant and legally formal.

In addition, the development of Islamic law also faces the challenge of standardization and harmonization. For example, the sharia economy requires regulations that are in line with national law as well as sharia principles, including the prohibition of usury, the principle of justice in transactions, and zakat governance. The Qur'an affirms:

"Those who eat usury cannot rise but are like people who are possessed by demons because of a mad disease..." (QS. Al-Baqarah: 275)

Modern regulations such as the Sharia Banking Law No. 21 of 2008 and OJK regulations show how Islamic law is practically adapted in the modern economy, but still faces the challenge of harmonization with the national financial system.

In addition to social and structural aspects, the implementation of Islamic law is also a challenge. The integration of Islamic law through religious courts and national regulations is often constrained by human resources, institutional capacity, and public understanding of sharia (Arsyad, 2024). For example, there is still a disparity between Islamic legal theory in fiqh literature and the practice of religious justice in certain areas. The Prophet's hadith emphasizes the importance of integrity and justice in the implementation of the law:

"Whoever establishes the law among men with justice, then he will have a reward like the reward of the prophets without diminishing their reward in the least." (HR. Ahmad and al-Hakim)

This shows that the integration of Islamic law is not just formal, but must be realized in a substantive and consistent manner.

Despite the great challenges, the prospects for the development of Islamic law in Indonesia are promising. First, the majority of Muslims provide social legitimacy for the development of sharia-based regulations, especially in the realm of marriage, inheritance, waqf, and sharia economics. Second, the development of the Islamic economy, Islamic fintech, and modern banking opens up opportunities to uphold sharia principles in the modern context, balancing religious interests and public needs. The fiqh principle of fairness in transactions (*adl fi mu'amalat*) can be applied to regulate economic practices in a fair and sustainable manner.

In addition, strengthening religious courts and harmonizing national regulations can be instruments to expand the scope for the implementation of Islamic law. With the maqashid al-shariah approach, policymakers can assess the relevance of each sharia regulation, ensuring that Islamic law is not only formal but also effective in providing the benefit of society.

The challenges of the development of Islamic law in Indonesia, both social, structural, and implementive, can be overcome through strategic legal politics, based on the principles of justice, benefit, and maqashid al-shariah. The prospects for the development of Islamic law show the potential for wider integration, relevant to the modern context, and still based on sharia values that are fair and beneficial to all levels of society.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The politics of Islamic law in Indonesia reflect complex dynamics, where sharia norms are integrated into the national legal system through a process of adaptation, compromise, and innovation. Its history shows that Islamic law has undergone a phase of development from the colonial period to the modern era, adjusting to the social, political, and structural context of the country. The integration of Islamic law is realized through formal regulations, such as marriage law, religious justice, and sharia economics, which act as legal instruments to uphold the principles of justice, benefit, and protection of the rights of the Muslim community. State legal politics has a strategic role in determining the direction of legislation, balancing the aspirations of the majority of Muslims with the principle of a plural state of law. Despite the challenges of social diversity, institutional limitations, and the need for regulatory harmonization, the prospects for the development of Islamic law remain open. A maqashid al-shariah-based approach can ensure that Islamic law functions effectively, relevantly, and adaptive in meeting the interests of society at large. Thus, the integration of Islamic law is not just a formality, but is part of the construction of national law based on justice, benefit, and social relevance.

B. Suggestion

The development of Islamic law in Indonesia needs to emphasize the harmonization of sharia regulations with constitutional principles, so that its application can be widely accepted and

sustainable. Governments and policymakers should strengthen the capacity of religious courts, improve people's legal literacy, and encourage maqashid al-shariah-based research to ensure that any Islamic regulation is able to provide tangible benefits. In addition, the integration of Islamic law must take into account social dynamics and the diversity of society, so that Islamic law acts as an instrument of justice, not a source of conflict.

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