

Transformation of Islamic Law in the Indonesian National Legal System: Analysis of Its Evolution and Implementation

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Abstract. *Islamic law has an important position as a legal system that is not only derived from divine revelation, but also reflects the moral and spiritual values of Muslims. This study aims to describe the characteristics of Islamic law by examining in depth the conceptual differences between Islamic law, sharia, and fiqh, and tracing its main sources, namely the Qur'an and hadith. In addition, this paper also discusses the characteristics of Islamic law which are flexible, justice-oriented, and able to adapt to the social dynamics of society. The implementation of Islamic law in Indonesia is an additional focus in this article, considering the diversity of legal systems in Indonesia that allow Islamic law to coexist with national law, especially in aspects of family law and sharia economics. Through a descriptive-analytical approach, this article concludes that Islamic law has great potential to become an inclusive and contextual legal solution, as long as it is understood proportionally in accordance with its normative and historical foundations. Thus, a comprehensive understanding of the characteristics of Islamic law is needed to strengthen its role in the national legal system and the lives of contemporary Muslim society.*

Keywords: *Characteristics of Islamic Law, Sharia, Fiqh, Implementation in Indonesia*

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INTRODUCTION

Islamic law (al-sharī'ah al-Islāmiyyah) stands as a comprehensive normative system encompassing both spiritual ideals and practical legal frameworks that guide the conduct of Muslims in various spheres of life. As a legal tradition rooted in divine revelation, it occupies a central position in shaping not only personal piety but also broader social, economic, and political systems. Historically, Islamic law has evolved through a combination of revealed texts and juristic reasoning, resulting in a legal heritage characterized by both continuity and adaptability (Djubedi, 2015; Anshori, 2020). In the context of Indonesia, a nation marked by its religious and legal pluralism, the position and transformation of Islamic law warrant special academic and practical attention.

Despite the foundational role that Islamic law plays in Islamic societies, conceptual confusion remains prevalent in both scholarly and public discourse, particularly regarding the distinctions between sharia, fiqh, and Islamic law. Sharia refers to the ideal, divine principles and values as revealed in the Qur'an and Sunnah. It represents an eternal and holistic framework for life, encompassing theology, ethics, and law (Daud et al., 2022; Sugitanata et al., 2023). Fiqh, by contrast, is the human interpretation and application of these divine sources, developed through ijtihad and informed by methods such as qiyas (analogical reasoning) and ijma' (consensus) (MR

& Erliyanto, 2024). Islamic law, therefore, is best understood as a synthesis: it includes both the divine origins of sharia and the juristic expressions of fiqh. As Budiarti (2017) noted, this distinction is crucial to avoid overgeneralization in both academic inquiry and legal implementation.

Indonesia's legal landscape provides a particularly rich context in which to observe the coexistence of multiple legal systems. The Indonesian national legal system incorporates Dutch-influenced civil law, customary adat law, and Islamic legal traditions. Within this plural framework, Islamic law has been formally recognized, primarily in matters of family law, inheritance, waqf, and sharia economic systems (Fitalia, 2025). However, its application remains selective, with broader implementations such as Islamic criminal law limited to certain regions like Aceh under special autonomy laws (Poli, 2024).

This selective integration reflects the unique characteristics of Islamic law, which include its adaptability, ethical foundation, and emphasis on justice. Islamic law is inherently dynamic and context-sensitive, capable of responding to the changing needs of society without compromising its core principles (Iqbal, 2018; Darma et al., 2023). The principle of *ijtihad* enables continual reinterpretation, ensuring relevance in modern issues such as finance, human rights, and environmental ethics (Zulhendra, 2023). At the same time, Islamic law maintains strong spiritual and ethical underpinnings, prioritizing values such as mercy (*rahmah*), justice (*'adl*), and public welfare (*maṣlaḥah*) principles essential to a holistic legal system (Nawawi, 2025; Zuhriyah et al., 2024).

This article adopts a descriptive-analytical method to explore the transformation of Islamic law in the Indonesian national legal system. The study is organized around three primary objectives: first, to clarify the conceptual distinctions among Islamic law, sharia, and fiqh; second, to identify and analyze the defining characteristics of Islamic law its universalism, dynamism, and ethical orientation; and third, to assess the extent and nature of its implementation in Indonesia's legal structure. Drawing from both classical Islamic legal theory and contemporary Indonesian legal practices, this article offers a balanced and informed account of how Islamic law continues to evolve and function within a pluralistic national context.

The study contributes to a deeper understanding of Islamic jurisprudence as both a normative ideal and a practical legal reality. It affirms that when Islamic law is understood proportionally grounded in its divine sources yet interpreted with intellectual and contextual sensitivity it can function as a constructive element within Indonesia's national legal framework, promoting justice, inclusivity, and legal harmony.

METHODS

This study employs a qualitative research approach using descriptive-analytical methods. As a normative legal study, it focuses on examining Islamic law through both its foundational texts and its application within the Indonesian legal context. The research does not rely on empirical data collection such as interviews or fieldwork; instead, it is grounded in the interpretation of legal sources and theoretical literature. The primary method involves normative legal analysis, which emphasizes the internal logic and structure of Islamic legal principles as derived from authoritative sources namely, the Qur'an, Hadith, and classical jurisprudence (*fiqh*). The study also incorporates a theoretical approach, using Islamic legal theory (*uṣūl al-fiqh*) and contemporary legal scholarship to explore the conceptual distinctions between sharia, fiqh, and Islamic law, and to identify the essential characteristics that define Islamic law as a normative system. Secondary sources include national legislation, scholarly articles, academic theses, and government regulations related to the implementation of Islamic law in Indonesia. These are used to analyze how Islamic legal principles have been adapted, codified, and institutionalized within the framework of Indonesian national law. Particular attention is given to areas such as family law, waqf, zakat, and Islamic economics, where Islamic law has been most formally integrated. The descriptive aspect of this study involves outlining the historical and doctrinal development of Islamic law and its current status in Indonesia. The analytical aspect is employed to interpret

the implications of these developments and to assess the compatibility and challenges of integrating Islamic law within a pluralistic legal system.

RESULTS AND DISCUSSION

Islamic Law, Sharia, and Fiqh

Align with research from Gunawan (2018), Islamic law, often found in Indonesian legal literature, actually generally includes sharia and fiqh. However, it must be understood that Islamic law is not exactly the same as sharia and fiqh, but it does not mean that Islamic law is different from sharia and fiqh (Taufiq, 2021). Because Islamic law, sometimes in the form of sharia and sometimes in the form of fiqh, so if someone says Islamic law must look for its meaning, whether in the form of sharia or in the form of fiqh. Sharia comes from the Arabic *syara'a - yasyra'u - syar'an wa syari'atan*, which literally means the path to the water source, or the path that should be taken. In the context of Islamic teachings, sharia refers to a set of provisions set by Allah SWT as a guide to life for Muslims, which directs them to goodness and purity of soul. In terminology, sharia is defined as laws originating from Allah SWT and conveyed through the Prophet Muhammad SAW, covering aspects of *akidah* (belief) and *amaliyah* (deeds), which must be obeyed by all Muslims in living their lives. Sharia is generally defined as laws or regulations, so it can be interpreted as the basis of Islamic law that serves as a guideline for human life in various aspects of life (Sugitanata et al., 2023).

Its scope includes the teachings of monotheism (theology), ethical principles, and provisions regarding *halal*, *haram*, *makruh*, *sunnah*, and *mubah*. However, since the 2nd century Hijriah or the 9th century AD, Muslim theologians began to formulate the discipline of Islamic theology separately, so that theological aspects were no longer included in the scope of sharia. Since then, the term sharia has been more limited to the legal sense only. Fiqh was born through the process of reasoning of scholars, especially in answering issues that are not explained in detail in the Qur'an and Sunnah. Therefore, fiqh has fundamental differences with sharia, both etymologically and terminologically (Anshori, 2020). Sharia is a collection of rules that come directly from Allah SWT and the Messenger of Allah SAW, while fiqh is the result of interpretation and detailed explanation of sharia by *mujtahids*. Because fiqh is a product of human thought, its truth is relative, thus giving rise to various schools of thought. Despite differences of opinion, all schools of thought remain based on the basic principles of Islamic law, which actually shows the intellectual richness and flexibility in the Islamic legal tradition. Thus, it can be said that Islamic jurisprudence and law bring sharia to life, without Islamic jurisprudence and law, it is possible that sharia will be slow or difficult to apply in human life (Fitalia, 2025).

Sources of Islamic Law

Islamic law has a strong foundation with diverse sources, where the Qur'an occupies a central position as the main source. The Qur'an is understood as a divine revelation conveyed to the Prophet Muhammad SAW, containing basic principles and norms that cover various dimensions of life, both spiritual and social. According to Zuhriyah et al. (2024), As a holy book, the Qur'an is not only an ethical guideline, but also a legal basis that regulates individual and collective behavior. Its legal authority stems from the belief that the Qur'an is the eternal and unchangeable word of God. In addition to the Qur'an, *hadith* plays a very significant role in the formation of the Islamic legal system. *Hadith* is a documentation of the sayings, deeds, and approvals of the Prophet Muhammad SAW which serves to explain and detail the content of the teachings in the Qur'an. Through *hadith*, Muslims gain a contextual and applicable understanding of the principles of the Qur'an, including concrete examples of how the Prophet applied them in everyday life. Thus, *hadith* becomes an essential source of law, especially in responding to legal issues that arise along with the complexity of the social and cultural realities of the people.

Ijtihad according to etymology, is taken from the Arabic root word *jahada* as a form of the *masdar* word *jahdun* which means sincerity, wholeheartedness, seriousness or the outpouring of all abilities to obtain something. Terminologically, *ijtihad* is a maximum effort made by *mujtahid*

scholars to formulate Islamic legal provisions based on the Qur'an and Sunnah, not solely based on personal opinion. This *ijtihad* is mainly applied to contemporary issues that have not been discussed in detail in the two main sources (Zulhendra, 2023). The scope of *ijtihad* is limited to the realm of *muamalah* or worldly affairs that are *zhanni* (uncertain), referring to the principle "as long as everything is permissible until there is evidence that cancels or forbids it." Therefore, aspects of life such as economics, social, politics, culture, to state administration can continue to develop according to changing times, such as in the practice of buying and selling, renting, debts, and pawning.

On the other hand, *ijtihad* does not apply to the realm of worship that is *qath'i* (definite), because its provisions have been explained in detail in the main sources. Parallel to the basic principles of *muamalah*, in the context of worship there is a *fiqh* rule that states "*al-ashlu fi al-'ibadah al-buthlanu hatta yaquma dalil 'ala al-amr*", which means that the original law in worship is that it should not be done unless there is evidence that explicitly orders it. This principle shows that worship has provisions that are fixed (*tsabit*) and do not change even though the era continues to develop. For example, the obligation to pray five times a day remains as has been established since the time of the Prophet Muhammad SAW and has never increased or changed until now. Thus, providing flexibility and dynamics in Islamic law, allows this legal system to remain relevant in facing the challenges of the modern era

Characteristics of Islamic Law

Universal and Systematic

Islamic law is a system of norms and guidelines for life that has a universal character, making it relevant to all humanity without distinguishing cultural background, ethnicity, or geographical region. The verses of the Qur'an as the main source of Islamic law are revealed in a form that is general and comprehensive for humanity (Tamlekha, 2021). The fundamental values such as justice, equality, and humanity contained in it can be applied in various social contexts, so that Islamic law does not only apply to Muslims, but also offers moral and ethical guidance that can be accepted by various groups. The flexibility of its principles allows Islamic law to adapt to changing times and answer the needs of modern society, including in issues such as the economy, the environment, and human rights. With its inclusive nature, Islamic law remains relevant in facing global challenges such as poverty, social inequality, and intercultural conflict (Nawawi, 2025).

In the era of globalization, Islamic law can even be a means of interfaith dialogue and cooperation by emphasizing universal values that support peace and harmony. As explained by Supriatna (2024), this general nature provides space for scholars to conduct *ijtihad* in accordance with social conditions and developments of the times, so that the teachings of the Qur'an can still be understood, applied, and accepted in various contexts of space and time. In addition, Islamic law also contains deep spiritual and social meanings in each of its *sharia*, such as in the sacrifice worship which is not only meaningful ritual, but also contains messages about sacrifice, introspection, and social solidarity. So it is not surprising that Rifyal Ka'bah stated that the scope of Islamic law is broader than national law. The Qur'an itself has a systematic and logical structure, where each verse is interconnected and revealed gradually so that it can be gradually absorbed by humans according to their capacity for understanding.

Dynamic and Adaptive

Align with research from Iqbal (2018), Islamic law has the nature of *harakah*, namely dynamic and able to move and develop following the changing times. This nature gives Islamic law the vitality to continue to shape and adapt itself along with the development of society. In its movement, Islamic law is inseparable from the basic principle of *ijtihad*, namely the intellectual effort to explore law from its primary sources, the Qur'an and Hadith, which makes Islamic law remain relevant in every era and different socio-cultural context. *Ijtihad* allows scholars to respond to the challenges of the times while maintaining the personality and fundamental values

of Islamic law. The interaction between law, morals, and ethics makes Islamic law dynamic and adaptive to the changing times (Darma et al., 2023). Contemporary issues such as human rights, gender justice, and the environment can be analyzed through an Islamic legal approach while still prioritizing the underlying moral values.

The flexibility of Islamic law is reflected in various sectors, one of which is in the development of a modern sharia economic system, such as sharia banking which not only meets the needs of Muslims for financial services based on Islamic values, but also attracts the interest of non-Muslims because of the ethical and usury-free approach it offers (Saputri, 2020). Similar adaptations also occur in the social field, such as the protection of women's and children's rights, where various Muslim countries have begun to develop regulations that are in line with Islamic principles, while also responding to the demands of justice and social welfare today. This elastic nature opens up space for scholars to continue to explore new laws that are in accordance with contemporary conditions, while also encouraging Muslims to increase their scientific capacity towards the level of mujtahid, so that Islamic law remains alive, applicable, and acceptable across space and time.

Islamic Law is Realistic

Islamic law is closely related to moral and ethical values, making it not just a collection of rules, but also a guide to life that shapes character and social behavior. Values such as honesty, justice, compassion, and social concern are the main basis for various provisions of Islamic law, such as zakat and sedekah, which are not only financial in nature, but also strengthen social solidarity. Several verses of the Qur'an are mujmal (general), allowing for interpretations that are in accordance with the practical context and needs of society. This is in line with the principle in the Qur'an that Allah does not burden someone beyond their ability (QS. al-Baqarah: 286), so that in emergency conditions Islamic law provides rukhshah (relief), such as tayammum for those who do not have water, relief from fasting for those who are sick or on a journey, to allowing something that is forbidden in emergency situations to maintain survival.

All of this shows that Islamic law is flexible and responsive to various situations, but still maintains the substance of the teachings. In criminal law, for example, accusations without evidence are not used as a legal basis and are even categorized as major sins, as stated in QS. Al-Baqarah verses 191 and 217. The gradual approach in implementing the law, such as the gradual prohibition of alcohol, shows the flexibility of Islamic law in responding to the social and psychological conditions of society. In addition, customs that do not conflict with sharia can also be used as a source of law. This moderate approach is known as the principle of wasathiyah, namely the balance between spiritual values and worldly needs, between reality and idealism, as depicted in a number of verses such as QS. An-Nisa' (4): 129 and QS. Al-Baqarah (2): 143. With this character, Islamic law is not only normatively relevant, but also functional in responding to the challenges of modern life.

Sanctions Given in this World and the Hereafter

Islamic law stipulates that justice must be upheld by imposing sanctions on perpetrators of crimes (Syarbaini, 2023). The form of punishment in Islam can be in the form of physical or material sanctions, such as the obligation to return the proceeds of corruption or provide compensation for the losses incurred. However, what distinguishes Islamic law from man-made law is the existence of an afterlife dimension; violations of Islamic law not only have implications in the world, but also have consequences in the afterlife, namely in the form of hellfire which is more severe and frightening for Muslims than worldly punishments. In addition to sanctions, Islamic law also contains the principle of reward for those who do good and good deeds. In other words, the Islamic legal system is not only repressive towards violations, but also appreciative of goodness. The amount of sanctions and rewards is determined proportionally according to the level of the deed, both good and bad, as emphasized in the word of Allah SWT in Surah al-Zalzalah verses 7-8, which states that every good or bad deed, no matter how small, will be rewarded. It

means: "So whoever does good as much as zarrah, surely he will see (the reward)", "And whoever does evil as big as zarrah, surely he will see (reward)". {Qs. Al-Zalzalah/99:7-8}.

The Objectives of Islamic Law (Maqashid Syariah)

Islam as a religion mandated by Allah SWT to the Prophet Muhammad SAW teaches mankind to amar ma'ruf nahi munkar (uphold goodness and prevent evil), to protect mankind and the universe, and to lead mankind to achieve happiness in this world and the hereafter. The objectives of Islamic Law above can be seen from two aspects, the first is the aspect of the maker of Islamic Law, namely Allah and His Messenger, the second is the aspect of humans who are the actors and implementers of Islamic Law (Poli, 2024). When viewed from the perspective of the maker of Islamic Law, the objectives of Islamic Law are: (1) To Fulfill Human Life Needs which are primary (daruriyat), secondary (hajiyat), and tertiary (tahsiniyat); (2) To be obeyed and implemented by humans in everyday life; (3) In order to be obeyed and implemented properly and correctly, humans are required to improve their ability to understand Islamic law by studying ushul fiqh. If we look at it from the perspective of the legal actor himself, namely humans in achieving a happy and prosperous life, in other words, the true purpose of Islamic law in general is to achieve the pleasure of Allah SWT in life in the world and the hereafter. That the primary life needs or dzurriyat are the main goals that must be maintained by Islamic law which is called Al Maaqashid Syariah which is divided as follows.

Maintaining Religion (hifz al-din)

Maintaining religion is the first goal of Islamic law because religion is a guideline for human life because if someone is without religion they will be in disarray, as stated in one opinion that religion comes from Sanskrit, namely a gama, a means not while gama means chaotic, then someone who is not religious will be chaotic, aka immoral, so it is easy to commit all forms of crime. So in human life, religion is very much needed, including Islam, which plays a role as a guide for everyone to become a person with high morals and dignity, one of which is Surah al-Furqan verse 63 which orders that in socializing one must always speak with good words or politeness, and almost all verses of the Qur'an are the most precise guides for humans in order to achieve high morals. So the main aim of Islamic law is to bring humans closer to Allah SWT to straighten their personality and purify their souls by diligently praying so that they are protected from all forms of sin, as explained in surah Al Ankabut verse 45 "Indeed prayer prevents evil and evil (actions)", and surah al-Ra'd verse 28 "Remember, only by remembering Allah SWT (dhikr) does the heart become peaceful". Therefore, Islamic law strongly condemns polytheism, disbelief and all forms of corruption of the faith.

Maintaining Life and Body and Soul (hifzh al-nafs)

The second objective of Islamic law is the preservation of life because Islamic law requires the preservation of human rights to live and maintain their lives (Ayusriadi, 2018). Therefore, Islamic law prohibits murder as an effort to eliminate human life and protects various means used by humans to maintain the welfare of their lives. Even in Islamic law, the lives of the poor, needy, orphans, and the less fortunate are considered in Islamic law, as stated in the mandatory command to pay zakat to Muslims who have excess wealth. In addition to being in the Qur'an, according to Munawir Sjadjali, regarding human rights, there are actually many in the hadiths of the Prophet Muhammad SAW, and it has even been written constitutionally in the Medina Charter when the Prophet Muhammad SAW served as the highest leader in Medina.

Maintaining Reason (hifzh al-'aql)

Maintaining reason is very important in Islamic Law, because by using reason, humans can think about Allah, the Universe, and themselves. The use of reason must be directed at something that is beneficial for human life (Saputra & Serdianus, 2022). Islamic law pays great attention to reason or intelligence, so in Islamic law it is strictly forbidden to drink intoxicating khamar (alcoholic drinks) that can damage human reason, including drugs, and other types. On the contrary, Islamic law orders every human being to maintain and improve the quality of reason

by seeking knowledge, as emphasized by the very popular Prophet Muhammad SAW "seeking knowledge is obligatory for every believer".

Maintaining Offspring (hifzh al-nasl)

Humans are different from animals that live by instinct without morals, humans as descendants of Prophet Adam AS and Siti Hawa are given reason and morals by Allah SWT. In Islamic law, lineage is highly guarded in order to maintain the dignity and sustainability of the people. Therefore, Islam strictly prohibits adultery, free association, abortion, pornography, infidelity, and raising children with illicit wealth or usury (Akbar, 2023). Islam requires marriage to create a harmonious family and have legitimate offspring. Adultery is considered a major violation, punishable by 80-100 lashes because it damages human honor and threatens the future of generations.

Maintenance of Property (hifzh al-mal)

According to Lenny et al. (2023), To survive, humans need something that can fulfill their living needs, such as eating, drinking, clothing and going to school. For all this, money and property are needed, so humans must work and try to obtain them in a halal and good manner, so in Islamic law every human being is ordered to seek sustenance as Allah SWT says in surah alJumu'ah verse 10 "When the prayer has been performed, then scatter on the earth, and seek the grace of Allah (sustenance from Allah)". Wealth is a gift from Allah SWT, to humans in order to be able to sustain life and continue their life, so Islam strongly recommends Muslims to work hard and make efforts as stated in surah at Taubah verse 105 in order to obtain abundant wealth so that they can pay zakat and give alms. However, in principle, Islam does not recognize a person's ownership rights over an object absolutely because the owner of all objects is only Allah SWT. However, there is a need for legal certainty in society to ensure peace in human life, so Islamic law prohibits taking other people's property through illegal means and various forms of theft including corruption.

The Basis and Implementation of Islamic Law in Indonesia

The position of Islamic law in the Indonesian legal system is often a topic of debate. However, a historical review of the struggle for independence and the development of law in Indonesia shows that Islamic law played an important role in shaping the national legal system. The Indonesian legal system itself is a combination of Dutch colonial law, customary law, Islamic law, and law that emerged after independence. Thus, Islamic law has a basis as part of positive law in Indonesia, supported by various valid legal bases as follows: (1) Constitution of the Republic of Indonesia Year 1945 Article 29 (1) The state is based on the Almighty God; (2) Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage; (3) Law Number 50 of 2009 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts; (4) Presidential Instruction Number 1 of 1991 concerning Compilation of Islamic Law (KHI); (5) Law Number 41 of 2004 concerning Waqf; (6) Law Number 19 of 2008 concerning Sharia Securities as the legal basis for issuing securities with sharia principles; (7) Law Number 21 of 2008 concerning Sharia Banking which is the basis for banking operations sharia as well as sharia principles in the banking system; (8) Law Number 23 of 2011 concerning Zakat Management, this law regulates the management of zakat through Baznas; (9) Law Number 33 of 2014 concerning Halal Product Guarantee, regulates halal guarantee standards and the obligation for producers to include the halal logo; (10) Supreme Court Regulation Number 2 of 2008 concerning the Compilation of Sharia Economic Law (KHES) which is a guide for religious court judges in deciding sharia economic cases.

The regulations mentioned above are part of the legal basis that supports the application of Islamic law as part of positive law in Indonesia. From these provisions, it can be concluded that the implementation of Islamic law in Indonesia is most dominant in the fields of civil law (al-ahwal al-syakhshiyah) and economic law or muamalah. Meanwhile, the application of Islamic law in the criminal (jinayah) and government (siyasah) fields is still limited, namely only being

applied specifically in the Province of Nanggroe Aceh Darussalam through Law Number 18 of 2001 concerning Special Autonomy, which gives authority to the region to implement Islamic law, including in the aspects of jinayah and government.

CONCLUSION

Islamic law is a unique legal system because it is derived from divine revelation and developed through a rational and contextual *ijtihad* process. A clear understanding of the differences between sharia, fiqh, and Islamic law is essential to avoid conceptual simplification in practice and academic studies. With the main sources of the Qur'an and hadith, Islamic law shows characteristics that are adaptive, ethical, and relevant to the development of the times. In Indonesia, the character of Islamic law is reflected in its harmonious implementation with the national legal system, especially in areas such as family law and sharia economics. Therefore, a study of the characteristics of Islamic law is not only important in a theoretical framework, but also contributes to strengthening the role of Islamic law in responding to the needs of society in a fair, moderate, and sustainable manner.

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