

## Constitutional Analysis of the Implementation of Islamic Law in the Indonesian State System

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Received: 26 June 2025; Revised: 15 Desember 2025; Accepted: 8 January 2026

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### ABSTRACT

The issue of the position and implementation of Islamic law within the Indonesian constitutional system is a constantly evolving discourse, particularly in the context of the search for an ideal relationship between religion and the state. On the one hand, Indonesia is a state based on the rule of law based on Pancasila and the 1945 Constitution of the Republic of Indonesia, not a religious state. However, on the other hand, as a predominantly Muslim nation, Islamic values have a significant influence on the formation of legal norms and public policy. The emergence of regional regulations with sharia nuances, the strengthening of Islamic family law, and the growing discourse on the formalization of Islamic sharia reflect this dynamic.

This research was formulated to answer two main questions: (1) how the concept of Islamic law regulates state governance; and (2) how Islamic law is implemented in the Indonesian constitutional system. To answer these questions, a juridical-normative research method was used with a conceptual and constitutional approach. Data were obtained through literature studies, reviews of laws and regulations, and analysis of relevant Constitutional Court decisions.

The research findings show that Islamic law encompasses a comprehensive, ethical, and responsible concept of governance, characterized by principles such as justice (*al-'adalah*), deliberation (*shūrā*), and accountability (*mas'uliyah*). These values are universal and substantially aligned with the principles of modern democracy and constitutionalism. Therefore, Islamic law is not only relevant for regulating the relationship between humans and God but can also play a role in shaping the moral and ethical foundations of government and legal systems. The implementation of Islamic law in Indonesia's constitutional system exhibits a unique dynamic, where the state constitution provides for the recognition of religious values as long as they do not conflict with the fundamental principles of the rule of law, human rights, and the integrity of the Unitary State of the Republic of Indonesia. A constitutional approach allows Islamic law to be adopted into positive law selectively and contextually, both through legislation and institutional practices, particularly in the areas of family law, sharia economics, and religious courts.

This study recommends the importance of integrating Islamic values into the national legal system through constitutional and inclusive mechanisms, in order to create harmony between religious aspirations and the basic principles of the Indonesian legal state.

**Keywords:** Constitution; Islamic Law; State Governance; State System.

## 1. Introduction

Indonesia, as the world's most populous Muslim nation, faces complex challenges in integrating Islamic law into its modern constitutional system. While Pancasila serves as the foundation of the state and the 1945 Constitution as the supreme law,

the 1945 Constitution holds a crucial position as the foundation for Indonesia's constitutional system. As a written constitution, the 1945 Constitution regulates the formation of state institutions, the division of power, human rights, and the mechanism for amending the constitution itself. Furthermore, Pancasila, as embodied in the 1945 Constitution, serves as the foundational values that guide national life. The 1945 Constitution provides a solid legal framework for Indonesia's constitutional system, which is based on the principles of democracy, social justice, and the protection of human rights.

When discussing the position of Islamic law within the Indonesian legal system, it's important to first consider Muslims. Muslims are one of the social groups legally protected by constitutional law in Indonesia. Therefore, Muslims cannot be separated from Islamic law, which aligns with their beliefs.<sup>1</sup> The desire to implement Islamic law remains strong in various regions, as reflected in the formation of Sharia-based regional regulations. This phenomenon has given rise to constitutional debate about the limits of Islamic law's application within the framework of a unitary state. While Article 29 of the 1945 Constitution guarantees freedom of religion, Indonesia is not a religious state. This complexity is evident in the emergence of Sharia-compliant regional regulations in various regions, such as Aceh, which received special status through Law No. 44 of 1999 and Law No. 11 of 2006.

The enforcement of Islamic law is a double-edged sword, always attracting both pros and cons. Those in favor believe that Islamic law is a solution to create a comfortable, prosperous, and peaceful environment. Those against believe it will create problems that foster fear.<sup>2</sup> Currently, Aceh is the only region that is able to implement Islamic law, although only within the framework of a Regional Regulation that is only applicable in Aceh, but at least this can be a reference in the implementation of Islamic law in line with the constitution.

Constitutionally, Islamic law is also accommodated by the state through several stages of legislation in accordance with constitutional provisions, such as the Compilation of Islamic Law (KHI). The KHI is a regulation that is not democratically decided by the House of Representatives or a Presidential Decree.<sup>3</sup> The decision of the Religious Court (PA) in the judge's decision in 1958 is one of the rules used in creating the KHI.<sup>4</sup>

The Compilation of Islamic Law (KHI) is the first codification of Islamic law in Indonesia that has its existence based on Presidential Instruction (Inpres) No. 1 of

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<sup>1</sup> H. Zainuddin Ali, *Hukum Islam (Pengantar Ilmu Hukum Di Indonesia)*, (Sinar Grafika, 2022).

<sup>2</sup> Agustiansyah, 'Resistensi Penegakan Syariat Islam Di Aceh Tenggara', *JOURNAL OF CONTEMPORARY ISLAM AND MUSLIM SOCIETIES*, 1.2 (2017).

<sup>3</sup> Binarsa and Khoirudin Nasution, 'Penerapan Kompilasi Hukum Islam Pasal 53 Tentang Kawin Hamil Dan Tajdid Al - Nikah Di Kecamatan Melati Dalam Tinjauan Maqasid Syariah', *Millah: Journal of Religious Studies*, 2021.

<sup>4</sup> Sayyidah Aslamah, *Kompilasi Hukum Islam Indonesia Anatara Ayat Dan Pasal (Anak Hebat Indonesia, 2024)*.

1991. The Inpres was then followed up with a joint Decree of the Chief Justice of the Supreme Court and the Minister of Religious Affairs on March 21, 1985. The KHI was socialized to be used as a written guideline in the field of material law for judges in the PA environment throughout Indonesia. The KHI is a collection of judges' decisions sourced from fiqh (Islamic law) that focus on cases of marriage, inheritance, and endowments for trial cases in the Indonesian Religious Courts. The above indicates that the Compilation of Islamic Law (KHI) is not yet fully capable of realizing comprehensive Islamic law in Indonesia, as Islamic law and the Compilation of Islamic Law (KHI) are fundamentally different entities. Etymologically, Islamic law is known as qanun. Qanun itself was used by Imam al-Mawardi in his book *al-Ahkam al-Sulthaniyah* as a translation of the Indonesian meaning of "law." Furthermore, the use of qanun also continued until the Ottoman era, written in *al-Majallah al-Ahkam al-Adiyah*, namely the Book of Rules of Justice or the Book of Civil Code. From *al-Majallah*, the Ottoman Empire became the first country to use Islamic law (fiqh) as a form of legal embodiment, just like modern law modeled on the Roman law system which has coercive power like laws in general. In general, the term qanun is used for laws relating to society (*mu'amalat bayn al-nas*) as statutes or public laws. Therefore, substantively, the difference between KHI and Islamic law is that Islamic law (qanun) in the form of a law has binding and coercive power on the subject and object of law, while the compilation of Islamic law (KHI) in accordance with the existing character only serves as a guideline and is less binding and can only be applied in the realm of Religious Courts. If we examine the social aspects of the past, Islamic law actually already had its own position in Indonesia.<sup>5</sup> This is proven by several facts. For example, Sultan Malikul Zahir from Samudra Pasai was a famous expert on Islamic religion and law in the mid-14th century AD. Through this kingdom, the Islamic law of the Syafi'i school was spread to other Islamic kingdoms in the archipelago.<sup>6</sup>

Discussing Islam and the state is certainly inseparable from a discussion of the constitution. According to Wirjono Prodjodikoro, the term constitution comes from the French verb "constituer," which means "to form." Therefore, constitution means formation. In this case, the state, the constitution contains the beginning of all kinds of basic regulations concerning the first pillars for establishing the large structure called the state.<sup>7</sup> Therefore, the constitution plays a key role in the implementation of Islamic law in Indonesia. Within the framework of state governance, Islam offers a concept of state governance based on the values of justice, deliberation, protection of human rights, and social responsibility. In Indonesia, as the country with the largest Muslim population in the world, yet based on Pancasila and the 1945 Constitution, the integration of Islamic legal

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<sup>5</sup> Mohammad Daud Ali, 'Hukum Islam Dan Pembangunan Hukum Nasional: Suatu Analisa Terhadap RUU Peradilan Agama', *Jurnal Hukum Dan Pembangunan*, 11 (1989).

<sup>6</sup> Rifyal Ka'bah, *Hukum Islam Di Indonesia*, (Universitas Yarsi, 1989).

<sup>7</sup> Wirjono Prodjodikoro, *Asas-Asas Tata Negara Di Indonesia* (Dian Rakyat, 1977).

values into the state system is an interesting and complex phenomenon. This dynamic is evident in various laws and regulations that adopt Islamic legal principles without altering Indonesia's character as a pluralist nationalist state. Based on this description of the phenomena in the background, the author undertook this research, entitled "Constitutional Analysis of the Implementation of Islamic Law in the Indonesian State System."

## 2. Research Method

This method should be written descriptively and include a statement outlining the research methodology, including the type of research, research approach, data source, and analytic method. The author must describe the method for analysing the legal issue. This method, which provides the reader with as much information as possible on the method employed, is optional and should only be included in an original research piece. (For Conceptual Ideas Without Research Method).

## 3. Result and Discussion

### 3.1. The Concept of Islamic Law in Regulating State Governance

In the realm of Islamic political thought, the foundations of the state and politics have emerged since the classical, medieval, and modern eras. For example, Al-Farabi, Al-Mawardi, and Al-Ghazali were prominent political thinkers in the classical and medieval eras, while in the modern era, prominent figures include Muhammad Rasyid Ridha, Abu A'la al-Maududi, and others. With its holistic and universal character, Islam does not dichotomize religion and state. Instead, Islam views the state as essentially a representation of religion in managing the welfare of the people. As an instrument of religion, the state is an integral part or extension of the religious institution itself. From this perspective, the phrase "al-islamu din wa dawlah" (Islam is both religion and state) emerged.<sup>8</sup> In the realm of Islamic political thought, ideas about the foundations of the state and politics have emerged since the classical, medieval, and modern eras. For example, Al-Farabi, Al-Mawardi, and Al-Ghazali were prominent political thinkers in the classical and medieval eras. In the modern era, notable figures include Muhammad Rasyid Ridha, Abu-A'la al-Maududi, and others.

With its holistic and universal character, Islam does not actually dichotomize religion and state. Instead, Islam considers the state to be essentially a representation of religion in managing aspects of the people's welfare. As an instrument of religion, the state is an integral part or extension of the religious institution itself. From this perspective, the phrase "al-islamu din wa dawlah" (Islam is both religion and state) emerged. During the time of the Prophet Muhammad (peace be upon him), an Islamic state and government already existed, and this view was established when he settled in the city

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<sup>8</sup> Afifuddin Muhajir, 'Fiqh Tata Negara Islam (Upaya Mendialogkan Sistem Ketatanegaraan Islam)', *IRCiSod*, 2017.

of Yathrib. This city was later renamed Madinat al-Nabi and popularly known as Medina. The first Islamic state and government were known as Medina. The study of this state and government can be observed from two approaches. First, the normative approach, Islam emphasizing the application of the texts of the Qur'an and the Sunnah of the Prophet, which indicate the practice of government carried out by the Prophet within the framework of *siyasa sharia*. Second, the descriptive-historical approach, by identifying the tasks carried out by the Prophet in the field of *muamalah* as the tasks of the state and government. This is of course measured from the perspective of political and state theory. The principles that form the basis of the state based on the Islamic concept are as follows:

1. Al - ukhuwah al - Diniyah

The meaning and essence of Ukhuwah Diniyah is the bond of faith. Ukhuwah Diniyah is based on the same belief and faith in Allah SWT, the Prophet Muhammad SAW, and the teachings of Islam. Ukhuwah Diniyah also creates Solidarity and Unity. This concept emphasizes the importance of solidarity, unity, and mutual assistance among fellow Muslims. Love and compassion are also the impacts of Ukhuwah Diniyah, encouraging love, compassion, and respect for fellow Muslims. This eliminates discrimination and differences based on race, ethnicity, nation, or social status, because all Muslims are brothers and sisters in faith. Shared Responsibility will emerge and foster a sense of shared responsibility to protect the Islamic religion, defend oppressed Muslims, and advance the welfare of the community.

2. Al - Takaful al- Ijma'i

Al-Takaful al-Ijma'i is a logical consequence that arises from the Ukhuwah Diniyah, Al-Takaful al-Ijma'i has two majors, the first is material, here lies *zakat* and *infaq*, the second is immaterial here lies *amar makruf nahi munkar*, advice, and education, this is closely related to the text of the Al-Qur'an, namely QS. Ali Imran: 104 and At-Taubah: 71.<sup>9</sup>

3. As- Shura

As - Shura is deliberation, this is the basis of good government, even in the Al - Qur'an itself there is one letter mentioned, in Surah As - Shura: 38 and in Surah Ali - Imran: 159. This deliberation was also carried out both during the time of Rasulullah and during the time of the Companions, and the basis of this deliberation is the guarantee of perfect freedom in expressing opinions as long as it does not touch on the main points of *Aqidah* and worship.

4. Al - 'Adl

In both Maki and Madani verses, we find the words justice, and vice versa, in both Maki and Madani verses, we also find the opposite words of this justice, namely injustice. Clearly, this justice is general, besides for us in Islam, the

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<sup>9</sup> A. Djazuli, *Ruang Dan Lingkup Siyasa* (Mizan).

presence of a state is a logical consequence of the existence of sharia rules that cannot be implemented without the state. Thus, the presence of the state is a condition and instrument for the implementation of sharia rules. According to Ija Suntana, the Islamic concept of governing the state is based on political theology. Political theology in Islamic statecraft reflects an ideological perception of a system of power related to right and wrong, not existence or absence. This perception is based on two sources: texts of evidence and historical practice. Interpretation of evidence produces normative claims that are stated as the foundation of statecraft. Interpretation of history, on the other hand, produces normative claims about the model and practice of power that are believed to be true.<sup>10</sup>

In general, political theology concerns three things, namely:

a. Source of Power

Among theologians, there are differing views regarding the origin of state power. Shia view power as a right determined by appointment. Within their tradition, the theory of "tansih" (inheritance) developed, stating that power is precisely determined by a principle. This theory resulted in the mechanism of the inheritance system (wirathsah) within the state system. The political institution that implements this system of power is called the imamate, led by an imam. This contrasts with Sunni thinkers, who view the source of political power as God's mandate to the people. Power derived from the people grants a ruler the mandate and authority to act on their behalf. He can perform legal acts that should be performed by individuals, such as marrying women who do not have guardians, accepting inheritances from those who do not have children, and assuming the debts of those who are incapacitated and do not have guarantors.

b. Domestic Law

In the study of Islamic political theology, the law applicable in a state is sharia law. Operationally, its sources are the Qur'an and Sunnah. State and societal lawmakers are theologically responsible for referring to these sources. The law in a state does not originate from society, but rather from God, and therefore they cannot influence it. Therefore, every member of society must obey the law. This is because obedience to the law is obedience to God, and conversely, challenging the law is challenging God.

Through this theological concept, law will be obeyed as a societal guideline and considered something noble and worthy of respect. When law is recognized as a human product, the perception arises that humans always act based on their own personal interests. Therefore, human-made laws are not worthy of obedience. Based on the political theology of law, obedience to state law is obedience to the legal text, not to the sanctions that follow. Therefore, theologically, obedience and violation of law involve sacredness and afterlife consequences.

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<sup>10</sup> Ija Suntana, *Pemikiran Ketatanegaraan Islam* (Pustaka Setia, 2010).

c. Obedience to the State

Obedience to the state is a crucial topic in political theology because it concerns obedience to creation. The concept agreed upon by Islamic constitutional scholars is that submission to the government (state) is obligatory as long as it is not ordered to act against Allah SWT and His Messenger. Obedience to the state is relevant to the general theological belief in the sovereignty of Allah SWT. This belief emphasizes that Allah SWT is the sole ruler of the universe. He delegates power to whomever He wishes through state authority. Therefore, state power has a meaning that aligns with the nature of God's power; whatever the state makes and decides, especially laws and sanctions, is permanently binding on everyone. This belief has important benefits for the rule of law and authority, but is not relevant to the development of democracy.

### **3.2. Implementation and Position of Islamic Law in the Indonesian Legal System**

#### **1. Implementation of Islamic Law in the Indonesian Legal System**

Given that Islam is the religion practiced by the majority, Islamic law, as its guiding principle, can be more relevant when applied without conflicting circumstances. Islamic law is able to adapt to the order of modern society, thus providing the necessary conditions to face the challenges of modernity. As an effort to foster and develop national law, Islamic law has made a significant contribution, at least in terms of its spirit. This is supported by several arguments.

First, Law No. 1 of 1974, as amended by Law No. 16 of 2019 concerning Marriage. Article 2 of this law states that a marriage is valid if it is conducted according to the laws of each respective religion. Meanwhile, Article 63 states that the court referred to in this law is a Religious Court for those who are Muslim.

Second, in Law No. 2 of 1989 as amended to Law No. 20 of 2003 concerning the National Education System, it is stated that in the framework of developing a complete human being, one must have faith and piety towards God Almighty, have noble character, have knowledge and skills, be spiritually healthy, have a strong and independent personality, and have a sense of social and national responsibility.

Third, Law No. 7 of 1989, as amended by Law No. 3 of 2006 concerning Religious Courts. This law demonstrates that Religious Courts deserve to be present, grow, and develop in Indonesia. This demonstrates the contribution of Muslims, the majority religion.

Fourth, the Compilation of Islamic Law (KHI), although not a law, is Presidential Instruction Number I of 1991. This compilation is very helpful for judges in deciding cases, particularly in Religious Courts. As a source of applicable law,

Islamic law naturally faces its own challenges, particularly in efforts to legislate Islamic law in Indonesia. There are several forms of implementation of Islamic Law in the National Legal System, as follows:

a) Law on Organizing the Hajj Pilgrimage

Law Number 17 of 1999 concerning the Implementation of the Hajj Pilgrimage was ratified and promulgated in Jakarta on May 3, 1999 (State Gazette of the Republic of Indonesia 1999 Number 53, Supplement to the State Gazette of the Republic of Indonesia Number 3832). Indonesia is one of the countries with the largest number of Hajj pilgrims.

Because the quota set by Saudi Arabia is 1 percent of a country's total population. Indonesia has a population of around 250 million, so the Hajj quota is around 250,000 people. To ensure the smooth running of the Hajj, without any difficulties, both domestically and abroad, proper management is essential. Furthermore, the Hajj is conducted far from Indonesia, over 10,000 miles away, involves numerous people and departments, and is carried out simultaneously with millions of people from around the world in one place and at the same time. Therefore, the government must be directly involved in its implementation, as it concerns the reputation of Indonesia.

b) Zakat Management Law

Law Number 36 of 1999 concerning Zakat Management was ratified and promulgated in Jakarta on September 23, 1999 (State Gazette of the Republic of Indonesia 1999 Number 164, Supplement to the State Gazette of the Republic of Indonesia Number 3885).

The state guarantees its citizens to practice their religious teachings, protect the poor and to realize the welfare of the Indonesian people as stated in Article 5 paragraph (1), Article 20 paragraph (1), Article 29 and Article 34 of the 1945 Constitution, the government needs to create legal instruments that will support these efforts. Then Law Number 38 of 1999 concerning Zakat Management was born. To implement this law, Presidential Decree Number 8 of 2001 concerning the National Zakat Collection Agency was issued, which includes the need for three components to implement zakat management, namely the Implementing Agency, the Advisory Council and the Supervisory Commission.

c) Law on the Implementation of Special Autonomy in Aceh

Law Number 44 of 1999 concerning the Implementation of the Special Status of the Aceh Region was ratified and promulgated in Jakarta on October 4, 1999 (State Gazette of the Republic of Indonesia 1999 Number 172, Supplement to the State Gazette of the Republic of Indonesia Number 3893). Entering the reform era, freedom of expression was widely open. The government was also very responsive to the aspirations of the people, democratic life was running

dynamically. The aspirations of the Acehnese people, which during the New Order were not channeled, this time received an extraordinary response from the government.

The religious life of the Acehnese people, who uphold tradition, and who have placed clerics in a highly respected role in the life of society, the nation, and the state, must be preserved and developed. To that end, the government finally provided legal certainty in the implementation of the special rights enjoyed by the Acehnese people, as mentioned above, with the enactment of Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province.

d) Special Autonomy Law in Aceh

Given the social and societal character of Aceh, with its strong Islamic culture, which fostered a strong fighting spirit during the struggle for Indonesian independence, the government granted special autonomy to the region with the advent of the reform era and the aspirations of the Acehnese people. Consequently, Law Number 18 of 2001 concerning Special Autonomy for the Special Region of Aceh Darussalam Province was enacted.

With the enactment of Law Number 18 of 2001 concerning Special Autonomy of the Special Region of Aceh Province, one of which is in the legal field, Qanun (Regional Regulation) Number 13 of 2003 concerning Gambling, Number 14 of 2003 concerning Alcoholic Drinks, Number 15 of 2003 concerning Obscene Acts has been ratified and the Punishment of Caning has been implemented.

## 2. The Position of Islamic Law in the Indonesian Legal System

To realize a national law for the Indonesian nation consisting of various ethnic groups with different cultures and religions, coupled with the diversity of laws left behind by the colonial government in the past, is not an easy task. The development of national law that will apply to all citizens regardless of their religion must be carried out carefully, because among the religions embraced by citizens of the Republic of Indonesia, there are religions that cannot be separated from the law, such as Islam. Because national law must be able to protect and umbrella the entire nation and state in all aspects of their lives, then according to the Minister of Justice Ismail Saleh (1989) in planning the development of national law, we are obliged to use the national insight which is a trinity that cannot be separated from one another, namely: national insight, archipelagic insight and *Bhinneka Tunggal Ika* insight.

From a national perspective, the national legal system must be fully oriented toward the aspirations and interests of the Indonesian people. According to the Minister of Justice, this national perspective is not a closed one, but rather an open

one that considers the interests of future generations and is capable of absorbing modern legal values.<sup>11</sup> Because the development of national law also embraces the archipelagic perspective, which calls for a single national law, efforts to unify the legal system must be implemented to the greatest extent possible. This means that all segments of society will be governed by a single legal system, namely the national legal system. However, for the sake of justice, the national law that will be implemented based on these two perspectives must also take into account the differences in socio-cultural backgrounds and legal needs of specific groups within society.

Therefore, in addition to these two insights, national legal development must utilize the *Bhinneka Tunggal Ika* (Unity in Diversity) insight. By utilizing this insight, the legal unification desired by the Nusantara Insight must ensure that the aspirations, values, and needs of community relations are incorporated into the national legal system. With this *Bhinneka Tunggal Ika* insight, ethnic, cultural, and religious diversity as assets for national development must be respected, as long as, of course, it does not endanger national unity.

By using these three insights, simultaneously and in an integrated manner, various principles and rules of Islamic law, as well as customary law and former Western law will become integral to national law, both written national law and unwritten national law or customary law. Regarding the position of Islamic law, which has been mentioned above, Minister of Justice Ismail Saleh (1989) stated, among other things: "it cannot be denied that the majority of the Indonesian people are adherents of Islam." Islam, "has Islamic law which in substance consists of two areas, namely (1) the field of worship and (2) the field of *mu'amalah*. The regulation of the field of worship is detailed, the regulation of *mu'amalah* or all aspects of community life is not detailed, what is found in this last area is only the principles. The development and application of the principles of the field of *mu'amalah* is left entirely to the administrators of the state and government, namely the *ulil amri*. Because Islamic law plays an important role in forming and fostering social order among Muslims and influences all aspects of their lives, the best way that can be taken is to scientifically strive to transform Islamic legal norms into national law, as long as according to the Minister of Justice, it is in accordance with Pancasila and the 1945 Constitution and is relevant to the legal needs of Muslims in particular." According to the Minister of Justice Ismail Saleh (1989), there are quite a lot of universal principles contained in Islamic law that can be used in formulating national law.

#### 4. Conclusion

Based on the results of the discussion in the previous chapters, the author can conclude several things related to the discussion of the Constitutional Analysis of the

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<sup>11</sup> M. Daud Ali, 'Pengembangan Hukum Material Peradilan Agama', *Jurnal Mimbar Hukum: Aktualisasi Hukum Islam*, 17 (1994).

Implementation of Islamic Law in the Indonesian State System.

- a. Islamic law encompasses a comprehensive, ethical, and responsible concept of governance, characterized by principles such as justice (al-'adalah), deliberation (shūrā), and accountability (mas'uliyah). These values are universal and substantially aligned with the principles of modern democracy and constitutionalism. Therefore, Islamic law is not only relevant for regulating the relationship between humans and God but can also play a role in establishing the moral and ethical foundations of government and legal systems.
- b. The implementation of Islamic law in the Indonesian constitutional system demonstrates a unique dynamic, in which the state constitution provides space for the recognition of religious values as long as they do not conflict with the basic principles of the rule of law, human rights, and the integrity of the Unitary State of the Republic of Indonesia. The constitutional approach allows Islamic law to be adopted into positive law selectively and contextually, both through legislation and institutional practices, particularly in the areas of family law, sharia economics, and religious courts.

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