



## Islamic Law in Contemporary Indonesian Local Political Culture

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<p><b>Keywords:</b>  <i>Identity contestation,</i>  <i>Islamic law,</i>  <i>Policy instruments,</i>  <i>Political culture,</i>  <i>Political legitimacy</i></p>	<p>This study places Islamic law within Indonesia's local political culture as a field of struggle over meaning that not only reflects the religious aspirations of the community, but also reveals how sharia continues to be negotiated, contested, and even politicised within local democratic power relations that are laden with symbols, identities, and struggles for legitimacy. The aim is to explain how Islamic law can function as a source of political legitimacy, an instrument of public policy, and an arena for identity contestation in local communities. This study uses a qualitative approach with a cross-regional comparative case study design, given the complexity of the phenomena under study, which cannot be reduced to simple causal relationships. The results indicate that Islamic law in contemporary Indonesian local political culture is not merely a normative system applied. Still, rather a field of struggle for meaning that is continuously reproduced in the tug-of-war among the legitimacy of power, collective identity, and the demands of pluralistic democracy. Sharia is often mobilised as a powerful moral symbol, but therein lies the paradox because when Islamic law is reduced to an electoral instrument and moralistic regulation, it risks losing its transformative ethical power as a substantive social justice project. The issue is not whether Islamic law exists in the public sphere, but rather who controls its interpretation, for what interests it serves, and to what extent it can transcend symbolic politics toward an inclusive <i>maqāṣid al-sharī'ah</i>.</p>
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## Introduction

Islamic law is one of the normative systems that profoundly influences the social, cultural, and political life of Muslim communities. In the Indonesian context, Islamic law is not only understood as a set of religious rules governing rituals and personal life, but also as a source of values that interacts dynamically with local traditions, the national legal system, and contemporary political practices. Indonesia's uniqueness as the country with the largest Muslim population in the world, as well as its vast cultural, ethnic, and political diversity, makes the relationship between Islamic law and local political culture a complex and interesting phenomenon to study.<sup>1</sup> Local political culture in Indonesia cannot be separated from the long history of encounters among Islam, customs, colonialism, nationalism, and modern democracy, which have shaped a distinctive pattern of relations between sharia norms and the exercise of power at the local level. In contemporary developments, this interaction has become increasingly relevant due to the strengthening of religiously based political identity expressions, the emergence of sharia-inspired regional policies, and the contestation among Islamic values, democracy, and pluralism in the public sphere.

In the current local political landscape in Indonesia, Islamic law is often present in the form of symbols, discourse, and formal regulations produced through regional political mechanisms.<sup>2</sup> The phenomenon of sharia-based regional regulations, for example, shows how Islamic values serve as a reference in the formulation of public policy in many regions. This has sparked academic and social debates about whether the formalisation of Islamic law is a manifestation of the people's religious aspirations, a strategy by the political elite to gain legitimacy, or a form of conservatism that could limit civil liberties. On the other hand, local political culture also shows that acceptance of Islamic law is not always homogeneous, but is influenced by social structures, power configurations, traditional customs, and the historical experiences of local communities.<sup>3</sup>

Studies on Islamic law in the context of Indonesian politics have expanded significantly, especially since the reform era, which opened up space for democratisation and decentralisation. Several previous studies have highlighted the rise of Islamic politics and the role of Islamic law within the national system, as reflected in religious court institutions, family legislation, and debates over the position of sharia in the constitution.<sup>4</sup> These studies have made an important contribution to understanding how Islamic law operates within the modern nation-state. However, these studies have often focused on the national dimension, such as the relationship between Islam and the state, Islamic party politics, or central-level legislation. In fact, the dynamics of local politics after the reform era have actually created new space for a more contextual and diverse expression of Islamic law. Within the framework of regional autonomy, local governments have greater authority to formulate policies that reflect the identity and aspirations of the local community, including in terms of the application of Islamic values.

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<sup>1</sup> Rizal Al Hamid et al., "Political Conflict between Islamic Law and National Law in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 48–62, <https://doi.org/10.65586/insani.v1i1.4>.

<sup>2</sup> Dodi Suryana and Tito Handoko, "Islamic Commodification in Representation of Political Development in Indonesia: A Systematic Literature Review," *Hayula: Indonesian Journal of Multidisciplinary Islamic Studies* 7, no. 1 (2023): 51–76, <https://doi.org/10.21009/hayula.007.01.04>.

<sup>3</sup> Muhammad Shuhufi and Arip Purkon, "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 138–53, <https://doi.org/10.30984/jis.v21i1.1870>.

<sup>4</sup> Tamir Moustafa and Jeffrey Adam Sachs, "Law and Society Review Special Issue Introduction: Islamic Law, Society, and the State," *Law & Society Review* 52, no. 3 (2018): 560–73, <https://doi.org/10.1111/lasr.12360>.

Recent studies on sharia regional regulations show that Islam-oriented policies at the local level do not always correlate with the level of religiosity of the community, but are often influenced by the political interests of the regional elite. Several studies have found that sharia regulations are used as an instrument of legitimacy in electoral contests, especially to attract the support of conservative Muslim groups.<sup>5</sup> In addition, other studies highlight that the implementation of sharia policies in the regions can strengthen social control over women, religious minorities, and other vulnerable groups.<sup>6</sup> However, some studies emphasise the adaptive nature of Islamic law in the local context, where sharia norms acculturate with local customs and traditions, giving rise to Islamic practices unique to Indonesia.

There are several knowledge gaps that previous studies have not fully addressed. The first lies in the tendency of studies to still clearly separate Islamic law as a religious norm and local political culture as a socio-political practice. In fact, in contemporary Indonesia, the two are intricately intertwined. Islamic law is not only a normative text but also a cultural symbol and a source of political legitimacy, interpreted in various ways by local actors. Second, there is a lack of an integrative approach that places local political culture as an arena for the production of Islamic law meaning, rather than merely a space for its application. Many studies focus on the legal-formal aspects of Sharia regulations, but have not sufficiently explored how local communities respond to, negotiate, or even reject the discourse of Islamic law in everyday political practice.<sup>7</sup> Thirdly, there is a limitation in comparative studies across regions that can show variations in the relationship between Islamic law and local political culture in various socio-cultural contexts in Indonesia.

Previous studies have often focused on the dimensions of conflict or controversy surrounding the formalisation of sharia. At the same time, other aspects, such as compromise, legal hybridity, and local adaptation strategies, have not been explored in depth. In the pluralistic context of Indonesia, Islamic law does not always appear in the form of formal regulations, but also in the form of political ethics, religious symbolism in campaigns, and networks of clerics and Islamic boarding schools that influence local policies.<sup>8</sup> Therefore, there is still an academic need to understand Islamic law in local political culture more broadly as a socio-political phenomenon involving the interaction between religious norms, local traditions, democracy, and power.

This study develops a more integrative analytical approach to understanding Islamic law within contemporary Indonesian local political culture. It offers a new theoretical contribution by combining perspectives from Islamic law, political anthropology, and local political culture studies to examine how sharia norms are produced, interpreted, and negotiated in the practice of regional power. At the conceptual level, this study argues that Islamic law in the local context is not merely the

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<sup>5</sup> Ihsan Yilmaz and Syaza Shukri, "Islam and Politics in Democratic Muslim-Majority Countries," in *Islamist Parties and Power in Democratic Nation-States: A Comparative Analysis of Six Muslim-Majority Countries* (Springer, 2024), 15–48, [https://doi.org/10.1007/978-981-97-4343-8\\_2](https://doi.org/10.1007/978-981-97-4343-8_2).

<sup>6</sup> Suud Sarim Karimullah, "The Implications Of Islamic Law On The Rights Of Religious Minorities In Muslim-Majority Countries," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90–114, <https://doi.org/10.32332/milrev.v2i2.7847>; Maharatna Shifa Nurizka, Mohamad Sobrun Jamil, and Badrus Sholeh, "Analysis of the Impact of Sharia Regulations on Halal Trade in Southeast Asia," *Jurnal Lentera Insani* 1, no. 1 (2025): 32–47, <https://doi.org/10.65586/jli.v1i1.16>.

<sup>7</sup> Mohammad Azka Al Azkiya, Ilhamda Fattah Kaloko, and Aisyah Chairil, "The Dynamics of Transnational Religious Movements on the Resilience of the Pancasila Ideology," *Jurnal Pelita Raya* 1, no. 3 (2025): 198–214, <https://doi.org/10.65586/jpr.v1i3.33>.

<sup>8</sup> Julia D Howell, "Muslims, the New Age and Marginal Religions in Indonesia: Changing Meanings of Religious Pluralism," *Social Compass* 52, no. 4 (2005): 473–93, <https://doi.org/10.1177/0037768605058151>; Lene Pedersen, "Religious Pluralism in Indonesia," *The Asia Pacific Journal of Anthropology* (Taylor & Francis, 2016), <https://doi.org/10.1080/14442213.2016.1218534>.

formalisation of rules but a process of social construction shaped by power relations, identity, and cultural traditions. At the practical level, this study is expected to provide recommendations for public policy management that are more sensitive to cultural plurality and democratic values, without neglecting the community's religious aspirations.

The objective of this study is to examine in depth the interaction between Islamic law and local political culture in contemporary Indonesia, and to identify patterns of negotiation and adaptation at the regional level. This study also aims to explain how Islamic law can function as a source of political legitimacy, an instrument of public policy, and an arena for identity contestation in local communities. The significance of this study lies in its contribution to the development of Islamic law and local politics studies in Indonesia, particularly in providing a more integrative and contextual analytical framework. Academically, this study enriches the literature on the relationship between religion and politics in pluralistic societies. Socio-politically, this study provides important insights for policymakers, academics, and civil society in understanding the implications of applying Islamic values in the local public sphere, thereby promoting a more inclusive, democratic political governance that is in line with Indonesia's cultural diversity.

## Methods

This study uses a qualitative approach with a cross-regional comparative case study design to gain an in-depth understanding of how Islamic law operates, is interpreted, and is negotiated in contemporary Indonesian local political culture. This design was chosen because the phenomenon is complex and cannot be reduced to simple causal relationships; rather, it requires a contextual exploration of the interactions among sharia norms, local traditions, and the exercise of power.<sup>9</sup> The focus of the study is operationally defined as the process of formalisation, symbolisation, and socio-political praxis of Islamic law in regional policies, elite discourse, and community responses. The study population includes local political actors, religious scholars, bureaucrats, civil society organisations, and community members in regions with varying characteristics of Islamic law implementation, using purposive and snowball sampling to ensure the representation of relevant and informative informants for the analysis.

The main instruments of the study are the researchers themselves, supported by in-depth interview guidelines, participatory observation sheets, and analysis of policy documents and public narratives developed through theoretical study and conceptual readability testing. Data validity is ensured through triangulation of sources, methods, and time to maintain the credibility and dependability of the findings.<sup>10</sup> The data collection procedure was carried out in stages, starting with case mapping, initial exploration of the socio-political context, intensive interviews, observation of political culture practices, and the collection of official documents and local media. The data were analysed using a critical-thematic analysis model with stages of reduction, categorisation, interpretation, and reflective conclusion drawing, as this technique allowed researchers to reveal patterns of power relations, meaning constructions, and

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<sup>9</sup> Adiyono Adiyono, Syamsun Ni'am, and Akhyak Akhyak, "Methodology of Islamic Studies: Islam as Religion (A Perspective Epistemology, Paradigm, and Methodology)," *Analisis: Jurnal Studi Keislaman* 24, no. 1 (2024): 169–200, <https://doi.org/10.24042/ajsk.v24i1.22636>.

<sup>10</sup> Sirwan Khalid Ahmed, "The Pillars of Trustworthiness in Qualitative Research," *Journal of Medicine, Surgery, and Public Health* 2 (2024): 100051, <https://doi.org/10.1016/j.jglmedi.2024.100051>.

the dynamics of Islamic law negotiations in local political culture in an integrative manner in accordance with the study objectives.

## **Result and Discussion**

### **Islamic Law as a Source of Legitimacy for Power in Local Political Culture**

Islamic law in the context of contemporary Indonesian local political culture has undergone increasingly complex transformations in line with the dynamics of democratisation and decentralisation following the reform era. The change in political structure from a centralised system to regional autonomy has opened up new space for the expression of local identities, including religious identities that are deeply rooted in the social life of Muslim communities. In this situation, religion is no longer limited to the private sphere as a personal spiritual and moral guide. Still, it has entered the public sphere as a source of legitimacy for power. The strengthening of Islamic symbols, language, and legal norms in local political practice shows that sharia is understood not only as a religious normative system but also as a source of symbolic and political capital, contested by local elites in electoral contests and in the management of local government bureaucracy.

This phenomenon can be explained by the theory of political legitimacy, which posits that social acceptance is the primary foundation of political stability. Power cannot survive solely through coercive mechanisms or formal legality; it requires normative justification recognised by society. In the Indonesian context, where the majority of the population is Muslim, Islamic law has great potential as a source of moral legitimacy, helping to build emotional and symbolic closeness between leaders and the people. Local political elites utilise sharia language, symbols of piety, and Islamic rhetoric to build an image as representatives of the people's aspirations, so that their power not only appears procedurally democratic but also gains religious recognition, thereby strengthening their political authority.

The transformation of Islamic law into an instrument of legitimacy can also be understood through the concept of symbolic capital in Pierre Bourdieu's theory. In the political arena, religious symbols function as resources that can be converted into electoral gains. Local elites who can associate themselves with sharia gain symbolic authority, which increases their political bargaining power. The support of Islamic scholars, Islamic boarding schools, and local Islamic organisations is an important asset in this process. The relationship between political elites and clerics often forms a network of religious-political patronage, in which clerics provide moral legitimacy and social support. In contrast, elites provide access to state resources, influence in public policy, and institutional protection.

One of the most prominent manifestations of the use of Islamic law as a source of legitimacy for power is the emergence of sharia regulations and public moral policies in various regions. Local regulations governing the obligation to dress modestly, restrictions on activities considered sinful, the obligation to read the Qur'an, and zakāt regulations are often presented as efforts to create a religious and moral society. However, sharia regulations can also be understood as a symbolic strategy to build political differentiation in local democratic contests. In a competitive political system, local elites need narratives that can consolidate mass support, and sharia offers a strong language of legitimacy because it is rooted in the identity of the majority. Sharia regulations are thus not merely legal products, but political symbols that assert claims of morality and piety in the public sphere.

Within the framework of local democracy, this phenomenon has sparked heated academic and political debates. On the one hand, there is a view that sees the use of Islamic law in local politics as a form of democratisation of Islamic values and recognition of the aspirations of the Muslim majority.<sup>11</sup> This perspective emphasises that regional autonomy provides space for local communities to express their cultural and religious identities through public policy. Sharia regulations are understood as a manifestation of Muslims' political participation and as a form of the state's response to society's moral demands.<sup>12</sup> In this view, the integration of Islamic values into public policy is not a threat to democracy but rather part of democracy's dynamics, which must accommodate the majority's aspirations.

On the other hand, a critical perspective assesses this phenomenon as the politicisation of religion, which has the potential to reduce *maqāṣid al-sharī'ah*. Sharia, which should be oriented towards universal welfare, social justice, and the protection of basic human rights, is often narrowed down to moralistic rules that control individual behaviour.<sup>13</sup> Sharia regulations tend to address more symbolic issues, such as clothing, socialising, and entertainment, rather than structural issues such as corruption, poverty, or social inequality. In this case, Islamic law risks losing its ethical-transformative substance and becoming a shallow tool of political legitimisation. Critical perspectives also highlight the potential of sharia regulations to create discrimination against women, religious minorities, and other vulnerable groups, thereby threatening the principle of equal citizenship in a democratic state.

This debate shows that Islamic law in contemporary Indonesian local political culture is an arena of contested meanings. Sharia does not exist as a single entity, but rather as a discourse contested by various actors with different interests. The political elite interprets sharia as a source of legitimacy; the ulama interpret it as a space for preaching and social influence. At the same time, civil society may see it as an opportunity or a threat, depending on its social position. In this context, Islamic law becomes part of identity politics, connecting religion to power through symbols, regulations, and the performativity of discourse.

The theoretical implications of this phenomenon challenge the theory of secularisation, which predicts that modernisation and democratisation will reduce religion's role in the public sphere. The case of Indonesia shows the opposite pattern, as democracy and decentralisation have opened up new spaces for religious expression in politics. This calls for a hybrid approach that combines political legitimacy theory, contextual Islamic law, and the anthropology of power. Legitimacy theory helps explain why elites need Islamic symbols to gain social support; contextual Islamic law explains how sharia is interpreted in light of local needs; and the anthropology of power highlights how religious symbols and discourse function in everyday political practice as mechanisms for producing authority.

From a political anthropology perspective, power operates not only through formal institutions such as local government or regional representative councils, but also

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<sup>11</sup> Surya Sukti et al., "Political Dynamics of Islamic Law in the Reform Era: A Study of the Response of Muhammadiyah Cadres in Central Kalimantan," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 1022-45, <https://doi.org/10.22373/sjhk.v6i2.12415>.

<sup>12</sup> Ihsan Yilmaz and Denitsa Pirinova Sokolova-Shipoli, "Muslims, Sacred Texts, and Understanding Sharia in Contemporary Contexts," in *Muslim Legal Pluralism in the West: Transnationalism, Political Participation, Citizenship and Shari'a* (Springer, 2024), 19-56, [https://doi.org/10.1007/978-981-97-4260-8\\_2](https://doi.org/10.1007/978-981-97-4260-8_2).

<sup>13</sup> Imat Hibbatulloh et al., "The Secularisation of Islamic Criminal Law and Its Implications for the Protection of Human Rights in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 17-31, <https://doi.org/10.65586/insani.v1i1.7>.

through symbols, rituals, and narratives that shape public perception. Islamic rhetoric in political campaigns, for example, is a performative act that builds a candidate's moral image. Terms such as amanah leader, politics of the people, or sharia region create associations between power and piety. In a religious local political culture, these symbols resonate strongly because they touch on society's collective emotional structure. However, the transformation of Islamic law into political capital also presents a paradox in governance.

Many regions that have adopted sharia regulations still face serious problems such as corruption, poverty, and social inequality.<sup>14</sup> This raises the question of whether the symbolisation of Sharia actually improves governance quality or is merely a form of religious populism that conceals the government's structural failures. In this context, sharia can be used as a tool of legitimisation to divert public attention from more pressing substantive issues. In fact, within the framework of *maqāṣid al-sharī'ah*, the main objective of Islamic law is to maintain social welfare and justice, not merely to regulate symbolic morality.

In the context of public policy, this phenomenon requires caution in formulating regulations that are sensitive to the religious aspirations of the community while still guaranteeing the constitutional rights of citizens. Democratic states must accommodate religious values without sacrificing the principles of pluralism and equal citizenship.<sup>15</sup> Public moral policies that overemphasise Islamic symbols can create social exclusion, narrow the space for civil liberties, and give rise to discrimination against minority groups. Conversely, ignoring the religious aspirations of the majority can trigger the delegitimisation of the government and social tensions. Therefore, a policy approach is needed that places Islamic law within an inclusive public ethics framework oriented towards universal welfare.

This phenomenon shows that Islamic law, as a source of legitimacy for power in contemporary Indonesian local political culture, is a complex, dynamic, and negotiation-filled process.<sup>16</sup> Sharia cannot be understood only as a religious normative system, but also as a symbolic capital that is contested in the democratic political arena.<sup>17</sup> The debate between perspectives that democratisise Islamic values and those that criticise the politicisation of religion reflects the tension between the religious aspirations of the majority and the demands of modern pluralism. The theoretical implications challenge the secularisation paradigm and enrich the study of political legitimacy in plural Muslim societies. In contrast, the practical implications are relevant to the development of public policies that are fair, inclusive, and in line with constitutional values and *maqāṣid al-sharī'ah*.

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<sup>14</sup> Hisam Ahyani et al., "The Role of Sharia Law in Promoting Social Justice and Sustainable Development in Southeast Asia," in *The Routledge Handbook of Islamic Economics and Finance* (Routledge, n.d.), 113-28, <https://doi.org/10.4324/9781003168508-9>.

<sup>15</sup> Manfred L Pirner, "Religion, Human Rights and Education in Pluralistic Societies: Re-Visiting John Rawls and Jürgen Habermas," in *Religious Diversity, State, and Law* (Brill Nijhoff, 2022), 267-88, [https://doi.org/10.1163/9789004515871\\_014](https://doi.org/10.1163/9789004515871_014).

<sup>16</sup> Arif Sugitanata et al., "Building Harmony In Diversity: Exploring Masnun Tahir's Perspective on Multicultural Fiqh," *JURISY: Jurnal Ilmiah Syariah* 3, no. 2 (2023): 47-57, <https://doi.org/10.37348/jurisy.v3i2.346>.

<sup>17</sup> Yusli Effendi, Reza Triarda, and Purkon Hidayat, "Negotiating Sharia and Democracy: Institutional Pathways of Political Islam in Aceh," *Islam Realitas: Journal of Islamic and Social Studies* 11, no. 2 (2025): 203-19, [https://doi.org/10.30983/islam\\_realitas.v11i2.9700](https://doi.org/10.30983/islam_realitas.v11i2.9700).

## Negotiations between Islamic Law, Customary Law, and Local Democracy in Regional Government Practice

Negotiations among Islamic law, customary law, and local democracy in regional government practice in Indonesia are among the most complex themes in contemporary legal, political, and sociological studies of religion.<sup>18</sup> This complexity arises not only from the cultural and religious diversity that underpins Indonesian society, but also from the state's structure, which constitutionally recognises the plurality of normative systems in the public sphere. In this context, Islamic law has never existed as an autonomous legal system. Still, it has always been in a process of interaction, adaptation, and negotiation with deep-rooted customary norms and principles of local democracy, developed through regional political mechanisms. Local government practices have become the main arena where tensions between the claims of Islamic normative universality and local cultural particularities are mediated, and a social laboratory for the dynamics of legal pluralism and deliberative democracy in a Muslim-majority country.

Indonesia's normative plurality is a historical reality that cannot be separated from the long journey of the archipelago's society.<sup>19</sup> Before the advent of the modern state, local communities had developed customary systems that regulated social, economic, and political relations across generations. The arrival of Islam in the Middle Ages did not immediately eradicate customs, but rather gave rise to a unique process of acculturation. Many Muslim communities in Indonesia internalised Islamic values through the medium of customs, giving rise to popular expressions such as '*adat bersendi syara*', *syara* *bersendi Kitabullah*' (customs are based on sharia, sharia is based on the Book of Allah) in the Minangkabau tradition. This shows that from the outset, Islam in Indonesia developed in a format of cultural negotiation, not total confrontation. Within the framework of the modern state, this plurality has become even more complex because national positive law also serves as a dominant normative system that regulates regional government through the principles of decentralisation and autonomy.

Regional autonomy, strengthened after the reform, created more space for articulating local identity in public policy. Regional governments have the authority to formulate regional regulations, often shaped by the aspirations of the local community, including religious and traditional ones. In this situation, the integration of Islamic norms with local customs and democracy has become a field of political contestation. On the one hand, there is a push to make Islamic values the moral and legal basis for regional policy. On the other hand, customs remain a strong source of social legitimacy, while local democracy demands that policies be formed through participatory and deliberative processes.<sup>20</sup> These three normative systems are not always in harmony, so that local government practice often becomes a space for compromise, conflict, or even the domination of one system over another.

Islamic law is understood, theologically, to have a universal character because it is derived from revelation and is intended to promote justice and benefit humanity.<sup>21</sup> However, its application always involves human interpretation through *fiqh*, which is

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<sup>18</sup> Al Hamid et al., "Political Conflict between Islamic Law and National Law in Indonesia."

<sup>19</sup> Lorraine V Aragon, "Pluralities of Power in Indonesia's Intellectual Property Law, Regional Arts and Religious Freedom Debates," in *Anthropological Forum*, vol. 32 (Taylor & Francis, 2022), 20-40, <https://doi.org/10.1080/00664677.2022.2042793>.

<sup>20</sup> Claire Bynner, Oliver Escobar, and Sarah Weakley, "Facilitators as Culture Change Workers: Advancing Public Participation and Deliberation in Local Governance," *Local Government Studies* 49, no. 4 (2023): 738-58, <https://doi.org/10.1080/03003930.2023.2190586>.

<sup>21</sup> Suud Sarim Karimullah, "For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice," *Matan: Journal of Islam and Muslim Society* 5, no. 2 (2023): 40-56, <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

historical and contextual in nature. This is where epistemological tension arises: should Islamic norms be applied uniformly without compromising culture, or can they adapt to local conditions through flexible interpretive mechanisms? In the Indonesian context, this tension is even more pronounced because adat also holds strong social legitimacy. At the same time, local democracy demands policies that reflect the will of the people through political procedures.

The main controversy in this negotiation centres on whether the integration of Islamic law with adat constitutes progressive contextualisation or a compromise that weakens the normative coherence of Islam and democracy.<sup>22</sup> The first camp emphasises that the flexibility of fiqh allows Islam to remain relevant in various cultural contexts. The concept of *'urf*, or local customs that can be a source of legal consideration as long as they do not conflict with the principles of sharia, is often used as a theoretical basis for harmonisation. In this framework, customs are not seen as a threat, but as a social medium that can enrich the application of Islam. In addition, the concept of *siyāsah shar'iyah*, or public policy oriented towards the common good within the limits of sharia, provides legitimacy for local governments to formulate policies that are responsive to the needs of local communities.

This argument is reinforced by the perspective of *maqāṣid al-sharī'ah*, which emphasises that the main objectives of sharia are to protect religion, life, reason, lineage, and property. If local customs support these objectives, they can be incorporated in regional policies. In the context of local democracy, this approach creates a space for deliberation where Islamic values can be integrated with citizens' aspirations and local cultural traditions. In other words, this integration is not merely a compromise, but a normative strategy to make Islam an inclusive moral force in regional governance. However, the second camp highlights the risks of such integration. They warn that overly loose adaptation can lead to legal relativism, where the principles of sharia lose their normative coherence because they are subject to cultural particularities. In this view, *'urf* and *siyāsah shar'iyah* are often misused as pragmatic justifications for policies that are actually driven by the interests of local elites.

Another risk is inconsistent policies across regions, which can create legal uncertainty and undermine the principle of citizen equality. If one region implements certain Islam-custom-based policies while another does not, normative fragmentation arises that can lead to socio-political tensions.<sup>23</sup> Furthermore, criticism is also directed at the potential dominance of certain traditional or religious elites in the local democratic process. Deliberative democracy ideally requires the equal participation of all citizens, but in practice, local power structures are often asymmetrical. Traditional elites and religious leaders have considerable social capital, enabling them to exert a dominant influence on public policy. As a result, the integration of Islamic and customary law can become an instrument of exclusion against minority groups or those who have different interpretations of Islam. In this context, local democracy is no longer a space for inclusive deliberation but rather a hegemonic arena in which certain norms are imposed through cultural and religious legitimacy.

Negotiations between these three normative systems must also be understood within the framework of legal pluralism. The theory of legal pluralism emphasises that

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<sup>22</sup> Wahyu Abdul Jafar, "Political Buzzer in Islamic Law and Its Impact on Muslim Society," *Hamdard Islamicus* 45, no. 3 (September 30, 2022), <https://doi.org/10.57144/hi.v45i3.491>.

<sup>23</sup> Ahmad Jukari, Suud Sarim Karimullah, and Muhajir Muhajir, "Identity Politics in the Construction of Electoral Laws: A Qualitative Analysis," *Walisono Law Review (Walrev)* 5, no. 2 (2023): 139–54, <https://doi.org/10.21580/walrev.2023.5.2.14414>.

in complex societies, various legal systems can coexist, compete, and influence one another. Indonesia is a classic example of legal pluralism because, in addition to state law, customary and religious laws continue to operate in the social sphere.<sup>24</sup> Regional government is an important meeting point because it is at the intersection of state structures and local dynamics. In practice, regional policies are often the result of compromises among the state's legal-formal demands, the community's religious aspirations, and customary legitimacy.

The theoretical implications of this phenomenon enrich the discourse on the relationship between Islam and democracy in a Muslim-majority context. Many classical Islamic political theories are often understood within a universal normative framework, while democracy is seen as a modern Western concept. However, Indonesia's experience shows that local democracy can be a space for articulating contextual Islamic values. The integration of Islam, customary law, and democracy opens the possibility of a deliberative democracy model grounded in local and religious values, rather than simply imitating Western institutions.

At the practical level, this negotiation is highly relevant to the design of regional governance. The main challenge is how to manage normative diversity without triggering prolonged social conflict. Local governments must be able to formulate policies that respect Islamic values as the identity of the majority, while maintaining inclusiveness for minority groups and ensuring compliance with the national constitution. Participatory public deliberation mechanisms are key to preventing elite domination and ensuring inclusive norm integration. In addition, a clear legal framework is needed to prevent excessive inconsistencies in policy across regions, so that normative pluralism does not lead to destructive legal fragmentation.

The negotiation between Islamic law, adat, and local democracy ultimately reflects the dynamics of identity and power in Indonesian society.<sup>25</sup> The tension between universality and particularity cannot be resolved definitively; it is a continuous process shaped by social, political, and economic changes. The integration of Islam with adat can be a form of progressive contextualisation if it is carried out through *ijtihad* oriented towards maqasid and inclusive deliberation. However, it can also become a problematic compromise if elite interests dominate it or lead to normative relativism. Therefore, the biggest challenge for local governments in Indonesia is to create a governance system that manages normative plurality fairly in a democratic manner oriented towards the common good, so that diversity does not become a source of conflict. Still, rather still, a source that strengthens cohesion and justice in national life.

### Contestation of Islamic Legal Interpretation in the Arena of Identity Politics and Mass Mobilisation

Contestation of Islamic legal interpretation in the arena of identity politics and mass mobilisation is one of the most prominent phenomena in contemporary Indonesian local political culture, especially in the context of post-reform electoral democracy, which is characterised by increasingly open political competition, social fragmentation, and unresolved economic inequality. In this situation, Islamic law is no longer merely a religious normative system that regulates the dimensions of worship and *mu'āmalah* (social relations) ethically, but has also become a discursive field contested in identity

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<sup>24</sup> Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213–44, <https://doi.org/10.21093/mj.v21i2.4800>.

<sup>25</sup> Nur Insani et al., "Islamic Law and Local Wisdom: Exploring Legal Scientific Potential in Integrating Local Cultural Values," *Kanun Jurnal Ilmu Hukum* 26, no. 1 (2024): 101–24, <https://doi.org/10.24815/kanun.v26i1.32930>.

politics. Interpretations of sharia are often produced and popularised through intensive political communication mechanisms to build group solidarity, reinforce identity boundaries between them and us, and consolidate mass support in local power contests.

The strengthening of religion-based identity politics at the local level is often driven by electoral competition dynamics that require populist strategies to gain rapid, widespread support. In a procedural democratic system, political elites need narratives that can stir collective emotions and build loyalty to the community.<sup>26</sup> Islamic law, as a source of moral legitimacy that resonates in Muslim-majority societies, becomes an effective instrument in this process. Certain interpretations of sharia are reduced to easily understood political slogans, such as calls to elect leaders of the same faith, demands to implement sharia-based regional regulations, or public morality campaigns linked to Islamic identity. This process of simplification shows how Islamic law has been reduced from a complex ethical system into a symbol of identity for mass mobilisation.

The core issue in this phenomenon is how certain interpretations of Islamic law are produced, circulated, and popularised in the political sphere to construct social boundaries between groups of believers and opponents, and between those considered Islamic and non-Islamic. From a political sociology perspective, this process can be explained through the mechanism of boundary-making, namely the formation of collective identity boundaries that affirm who belongs to the moral community and who is considered an outsider. The interpretations of Islamic law chosen in the arena of identity politics are often not methodologically rich; rather, they are the most effective in building social polarisation. Sharia is presented as a marker of identity, not as a framework of *maqāṣid al-sharī'ah* that emphasises universal benefit.

The production of Islamic legal interpretations in the arena of identity politics cannot be separated from the role of political elites and moral entrepreneurs. These actors can articulate religious norms for specific purposes.<sup>27</sup> Moral entrepreneurs can be politicians, religious leaders, or activists who position themselves as guardians of public morality. They play a central role in framing socio-political issues through a religious lens, so that conflicts over resources, economic inequality, or social dissatisfaction are transformed into moral and religious identity issues. In this context, Islamic law becomes a political language that is capable of articulating social frustration in the form of religious demands, while also creating moral legitimacy for mass mobilisation.<sup>28</sup>

The main debate in this discourse centres on whether the contestation over the interpretation of Islamic law is an authentic expression of the people's religious aspirations or the result of political elite engineering. The affirmative camp sees it as a form of political agency of the people, namely, the rise of Sharia awareness, which signifies the active participation of the Muslim community in the public sphere. In this view, religion-based mobilisation is understood as a response to the marginalisation of Islamic values in modern politics and as an effort to assert the identity and rights of the Muslim majority in democracy.

The popularised interpretation of Islamic law reflects the aspirations of a society that desires stronger public morality and a government considered to be in accordance

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<sup>26</sup> Suud Sarim Karimullah, "Religion and State in the Islamic Political Paradigm in Indonesia Perspective of Prof. Kamsi," *Analisis: Jurnal Studi Keislaman* 22, no. 1 (2022): 53-74, <https://doi.org/https://doi.org/10.24042/ajsk.v22i1.12648>.

<sup>27</sup> Fathul Ghaffari et al., "The Relationship Between Religion and Politics of Muhammad Iqbal: A Philosophical and Its Relevance," *Suhuf: International Journal of Islamic Studies* 37, no. 1 (2025), <https://doi.org/10.23917/suhuf.v37i1.10286>.

<sup>28</sup> Suud Sarim Karimullah, "Agus Moh. Najib's Project and Ushul Fiqh Redesign: Interlinking of Islamic Law and Legal Sciece," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 2 (2023): 139-60, <https://doi.org/10.14421/al-mazaahib.v11i2.3151>.

with Islamic principles. However, the critical camp emphasises the danger of the instrumentalisation of religion in identity politics. In this perspective, mass mobilisation based on sharia interpretation often does not arise from pure religious consciousness, but rather from the strategies of elites who exploit Islamic symbols for the sake of power. Islamic legal interpretations are selectively produced and simplified to create social polarisation that benefits certain groups. As a result, Islamic law loses its substantive ethical dimension and becomes a tool for legitimising populism. Critics also highlight that the politicisation of sharia interpretations can lead to the erosion of the principle of equal citizenship, discrimination against minorities, and the potential for symbolic and physical violence.

Symbolic violence in this context refers to the process by which certain groups are positioned as less Islamic, heretical, or enemies of religion, thereby experiencing social delegitimisation. In many cases, Islamic legal rhetoric is used to control public space and discipline people's behaviour through moral stigma.<sup>29</sup> When this stigma intensifies, physical violence can emerge in the form of intimidation, persecution, or horizontal conflict. This phenomenon can also be analysed through the lens of populism theory, which emphasises the division of society between the pure people and the corrupt elite or common enemies. In religious populism, the people are often defined as pious Muslims. At the same time, opponents are positioned as groups that are considered a threat to religion, be they minorities, secular groups, or elites who are considered immoral. The interpretation of Islamic law serves as a rhetorical tool in constructing this populist narrative.

From a sociological perspective on political communication, it is important to highlight the role of media and digital technology in accelerating the production and dissemination of simplistic interpretations of Islamic law. Social media allows religious narratives to be produced in short, emotional, and viral formats, thereby reinforcing identity polarisation. Complex and contextual interpretations of Sharia law often give way to simple yet provocative moral slogans. This creates a situation in which Islamic law is understood superficially as a political identity rather than as an ethical system that requires deep reflection.

The theoretical implications of this phenomenon call for a hybrid analytical framework that integrates Islamic law, populism theory, and the sociology of political communication. The study of Islamic law is necessary to understand how Sharia interpretations are produced and how *maqāṣid al-sharī'ah* can be reduced in the political arena.<sup>30</sup> Populism theory helps explain the logic of identity mobilisation and the formation of social boundaries in competitive democracies. The sociology of political communication provides an understanding of how religious narratives are circulated through the media and how religious framing shapes public perception. This integrative framework is important for capturing the complexity of the phenomenon of contestation of Islamic legal interpretations in identity politics.

The practical implications are significant for conflict prevention and strengthening social cohesion at the local level. Mass mobilisation based on exclusive interpretations of Islamic law can trigger horizontal conflicts, especially in pluralistic societies. Therefore, policy strategies are needed that are not only repressive but also preventive through the

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<sup>29</sup> Muhajir Muhajir et al., "Agus Moh Najib's Thoughts on the Interconnection of Islamic Law and National Law," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 86–103, <https://doi.org/10.30984/jis.v21i1.2321>.

<sup>30</sup> Suud Sarim Karimullah and Arif Sugitanata, "Masnun Tahir's Nationalist Fiqh: The Integration of Islam and Nationalism in Addressing Social Challenges in Indonesia," *Addin* 18 (2025): 193–218, <https://doi.org/10.21043/addin.v18i2.20218>.

strengthening of religious legal literacy. This literacy includes an understanding that Islamic law has a rich tradition of interpretation and is oriented towards public interest, not merely a symbol of political identity. Public education, the role of moderate clerics, and inter-community dialogue are important for preventing the reduction of Sharia to a tool of polarisation.

The development of community-based deradicalisation strategies is relevant in addressing the politicisation of Islamic legal interpretations. Deradicalisation does not only mean suppressing extremist groups, but also building social spaces where inclusive and substantive interpretations of Islam can flourish. A community-based approach enables local communities to become key actors in reducing conflict, strengthening cross-group solidarity, and encouraging deliberative democratic practices that respect diversity.

### **Conclusion**

Islamic law in contemporary Indonesian local political culture cannot be understood solely as a religious normative system, but rather as a socio-political arena that continues to be negotiated in relations of power, identity, and local democracy post-decentralisation. Islamic law has transformed into a source of legitimacy for power, a vehicle for symbolic capital in electoral contests, and a public moral language produced through interactions among political elites, religious scholars, regional state institutions, and the community. This synthesis enriches the discourse on legal pluralism and legitimacy theory by showing that sharia at the local level operates in a hybrid form, neither entirely secular nor theocratic, but rather as a contextual construct whose meaning is contested. The novelty of this study lies in its integrative approach, which treats Islamic law not only as a legal text but also as a complex political and cultural practice, thus going beyond previous studies that tended to focus on the formalisation of Sharia regulations or their partial normative impact.

In practical terms, this study underscores the importance of regional governance that is sensitive to religious aspirations while upholding the principles of equal citizenship, pluralism, and *maqāṣid al-sharī'ah* as a substantive ethical orientation, and it also demands conflict-prevention strategies through religious legal literacy and inclusive deliberative democracy. However, the limitations of this study lie in the scope of the cases, which may not fully represent the variations across all regions, and in the highly fluid dynamics of sharia interpretation in the context of digitalisation and mass mobilisation. Therefore, further studies should expand comparative analyses across regions, integrate analyses of local political media and moral economics, and further explore the internal mechanisms of interpretation production among elites and grassroots communities.

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The authors formally declare that no competing interests or conflicts of interest exist with respect to the submission and publication of this manuscript.

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