



Legitimising Power through Islamic Law in Identity Politics

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| Keywords: <i>Identity politics,</i> <i>Islamic law,</i> <i>Legitimacy of power,</i> <i>Muslim population,</i> <i>Political modernity</i> | <p>The legitimisation of power through Islamic law in identity politics represents a fundamental paradox of Muslim political modernity, whereby divine norms intended to liberate humans ethically are instead rearticulated as a language of power that structures obedience, normalises the moral domination of the majority, and reduces citizenship to symbolic compliance. The purpose of this study is to comprehensively analyse the relationship between Islamic law, the legitimisation of power, and identity politics in the context of modern politics. This study uses a qualitative approach with a library research design integrated with legal-political discourse analysis. The results state that the legitimacy of power through Islamic law in identity politics is not merely an expression of collective piety, but a battleground that determines the direction of democracy, the limits of citizenship, and the future of pluralism. Sharia, which was originally understood as a religious normative guideline, can shift into a language of power that disciplines the body, regulates social space, and produces a moral hierarchy between more legitimate citizens and stigmatised citizens, so that piety changes from spiritual ethics into political capital that is traded in the market of support. The main problem is not sharia as a value, but rather the mechanism of instrumentalisation that turns religion into a tool of social control and covert moral majoritarianism. The constructive implication is that policy design must uphold religious aspirations without sacrificing civil rights, while also allowing for criticism so that the law does not become a tool of exclusion.</p> |
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Introduction

The legitimacy of power is one of the key concepts in political and legal studies, constantly transforming as society's social, cultural, and religious configurations change. In the context of countries with significant Muslim populations, including Indonesia, Islamic law is often used as a symbolic and normative source to build, strengthen, or justify political authority.¹ This phenomenon is even more pronounced when identity politics becomes a strategy for social and electoral mobilisation, in which religious identity is understood not only as a spiritual expression but also as a political instrument with legitimising power.

The development of modern politics shows that legitimacy no longer relies solely on formal procedures such as elections or constitutions, but also on symbolic sources that can build social acceptance. Max Weber argued that legitimacy can derive from tradition, charisma, or rational legality.² In Muslim societies, Islamic law is often positioned as a form of traditional and normative legitimacy, considered to have transcendent authority.³ When political actors refer to sharia, fatwas, or symbols of Islam, they not only build legitimacy on positive state law but also draw on moral and religious legitimacy, which is considered more profound in the eyes of some communities. This condition shows that Islamic law can function as a source of dual legitimacy: on the one hand, it serves as a guide for public ethics, and on the other, it can strengthen the dominance of certain groups.

Identity politics, as a global phenomenon, further emphasises the role of religion in the political arena.⁴ Identity politics arises when certain social identities serve as the primary basis for political mobilisation. In the context of Islam, religious identity is often a dominant factor because it has strong emotional, symbolic, and normative dimensions. In Indonesia, for example, political contests in the last two decades have shown an increase in the use of Islamic narratives in campaigns, social movements, and public policy. Islamic law has become an important reference for justifying a range of political agendas, from sharia-inspired regulations to claims of moral leadership. This phenomenon raises fundamental questions about how Islamic law is produced, interpreted, and practised in identity politics to build the legitimacy of power.

Academic studies on the relationship between Islam and political legitimacy have developed quite extensively. Classical studies of Islamic politics have highlighted the concepts of *khilafah* and *imamah*, as well as theories of legitimacy in the fiqh siyasah tradition.⁵ These studies emphasise that legitimacy in Islam is closely related to the concepts of justice, trustworthiness, and obedience to God's law. However, in the context of the modern state, the legitimacy of power cannot be separated from the structures of the nation-state, democracy, and society's plurality.⁶ Contemporary studies have then

¹ 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>.

² Max Weber, "Power, Domination, and Legitimacy," in *Power in Modern Societies* (Routledge, 2019), 37–47, <https://doi.org/10.4324/9780429302824-5>.

³ Mohammad Fadel, "Political Legitimacy, Democracy and Islamic Law: The Place of Self-government in Islamic Political Thought," *Journal of Islamic Ethics* 2, no. 1–2 (2018): 59–75, <https://doi.org/10.1163/24685542-12340015>.

⁴ Malcolm Yapp, "Language, Religion and Political Identity: A General Framework," in *Political Identity in South Asia* (Routledge, 2024), 1–34, <https://doi.org/10.4324/9781032715575-1>.

⁵ Roni Rahmad Hasonangan Ritonga, "Study of the Implementation of Islamic Leadership (Imamah, Caliph, and Ulil Amri) in Indonesia," *Al-Afkar, Journal For Islamic Studies* 8, no. 2 (2025): 2208–25, <https://doi.org/10.31943/afkarjournal.v8i2.2348>; Sukardi Sukardi, Muhammad Adib Alfarisi, and Riyani Riyani, "Systems of Government in Islamic Countries: The Dynamics of Sharia Law from the Prophetic Period to the Modern Era," *Justicia Islamica* 21, no. 2 (2024): 291–312, <https://doi.org/10.21154/justicia.v21i2.8465>.

⁶ Asifa Quraishi-Landes, "Healing a Wounded Islamic Constitutionalism: Sharia, Legal Pluralism, and Unlearning the Nation-State Paradigm," in *Decolonizing Constitutionalism* (Routledge, 2023), 34–59,

shifted to analysing how Islam interacts with democracy, how Islamic parties use religious symbols, and how Islamic law is institutionalised within the national legal system.⁷

In recent years, studies on identity politics in the Muslim world have increasingly highlighted the use of religion as a populist strategy.⁸ Studies on Islamic populism show that political actors often construct narratives of the people versus the elite, in which Islamic law is used as a symbol of moral struggle against corruption, secularism, or foreign domination.⁹ Other studies highlight the phenomenon of the shariaisation of public policy at the local level, especially in countries with political decentralisation.¹⁰ Such studies confirm that Islamic law is not only a private norm, but also a public instrument laden with political content. In addition, studies on political Islamic movements show how certain groups use Islamic law to legitimise demands for social and political change.¹¹

A review of the latest literature shows that previous studies tend to be fragmented in their approaches. Some studies focus on the normative aspects of Islamic law in classical political theory.¹² In contrast, others emphasise the sociological aspects of political identity without delving deeply into the dimensions of Islamic law as a device of legitimacy.¹³ Some studies examine sharia regulation in legal-formal terms, but they do not highlight how Islamic law works in the discursive realm to build political authority.¹⁴ In other words, the relationship between the legitimacy of power, Islamic

<https://doi.org/10.4324/9781003391920-4>; Félix Mathieu, "Minority Nations v. Constitutional Architectures: A Critical Appraisal of Unitary and Federal Models of the Modern State," *Nations and Nationalism* 28, no. 3 (2022): 825–40, <https://doi.org/10.1111/nana.12830>.

⁷ Zakaria Sajir, "A Post-Secular Approach to Managing Diversity in Liberal Democracies: Exploring the Interplay of Human Rights, Religious Identity, and Inclusive Governance in Western Societies," *Religions* 14, no. 10 (2023): 1325, <https://doi.org/10.3390/rel14101325>; Abbas Jong and Saman Ebrahimzadeh, "Ahmad Moftizadeh and the Idea of the Islamic Government: A Discursive Tradition Analysis in the Field of Political Islam," *Religions* 15, no. 2 (2024): 220, <https://doi.org/10.3390/rel15020220>.

⁸ Tobias Cremer, "Defenders of the Faith? How Shifting Social Cleavages and the Rise of Identity Politics Are Reshaping Right-Wing Populists' Attitudes towards Religion in the West," *Religion, State & Society* 50, no. 5 (2022): 532–52, <https://doi.org/10.1080/09637494.2022.2104097>; Bilge Yabanci, "At the Intersections of Populism, Nationalism and Islam: Justice and Development Party and Populist Reconfiguration of Religion in Politics," *British Journal of Middle Eastern Studies* 50, no. 2 (2023): 351–75, <https://doi.org/10.1080/13530194.2021.1972794>.

⁹ Ihsan Yilmaz and Nicholas Morieson, "Islam and Civilizational Populism," in *Religions and the Global Rise of Civilizational Populism* (Springer, 2023), 45–109, https://doi.org/10.1007/978-981-19-9052-6_3; Ihsan Yilmaz, Nicholas Morieson, and Hasnan Bachtiar, "Civilizational Populism in Indonesia: The Case of Front Pembela Islam (FPI)," *Religions* 13, no. 12 (2022): 1208, <https://doi.org/10.3390/rel13121208>.

¹⁰ Henrik Angerbrandt, "Political Decentralisation and Conflict: The Sharia Crisis in Kaduna, Nigeria," *Journal of Contemporary African Studies* 29, no. 1 (2011): 15–31, <https://doi.org/10.1080/02589001.2011.533057>; Michael Buehler and Dani Muhtada, "Democratization and the Diffusion of Shari'a Law: Comparative Insights from Indonesia," *South East Asia Research* 24, no. 2 (2016): 261–82, <https://doi.org/10.1177/0967828X16649311>.

¹¹ Quintan Wiktorowicz, "Islamic Activism and Social Movement Theory: A New Direction for Research," *Mediterranean Politics* 7, no. 3 (2002): 187–211, <https://doi.org/10.1080/13629390207030012>; Maulana Hayatullah et al., "Media Discourse Analysis on Religious Tolerance Issues in Indonesia," *Jurnal Pelita Raya* 1, no. 1 (2025): 61–75, <https://doi.org/10.65586/jpr.v1i1.8>.

¹² Habib Ahmed, "Islamic Normative Legal Theory: Framework and Applications," *Journal of Law and Religion*, 2025, 1–31, <https://doi.org/10.1017/jlr.2025.10056>; Salafuddin Noor, Ahmadi Hasan, and Nuril Khasyi'in, "Review of Political Theory of Islamic Law Abul'Ala Al Maududy Positive Perspective of the Political System of Indonesian Islamic Law," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023): 36–49, <https://doi.org/10.18592/sjhp.v23i1.9626>.

¹³ Abbas Jong and Rami Ali, "Political Islam as an Incomplete and Contested Category: A Post-Foundationalist Revision," *Religions* 14, no. 8 (2023): 980, <https://doi.org/10.3390/rel14080980>; Nevzat Narçiçek and Hasan Akay, "An Evaluation of Ibn Khaldun's Understanding of Civil Society," *Sociology of Islam* 11, no. 2–3 (2025): 231–50, <https://doi.org/10.1163/22131418-11030001>.

¹⁴ Muh Isna Nurdin Wibisana and Bambang Sumardjoko, "Contemporary Islamic Legal Perspectives on Qualification Policy Politics in Indonesia," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1009–27, <https://doi.org/10.32332/milrev.v4i2.11305>; Nur Alifah, "The Social and Philosophical Values of the Positivization of Islamic and Customary Law in Indonesia," *Istinbath: Jurnal Hukum* 22, no. 02 (2025): 263–85, <https://doi.org/10.32332/istinbath.v22i02.art02>.

law, and identity politics is often understood partially, not yet analysed integratively within a comprehensive conceptual framework.

The main research gap in this study lies in the lack of studies that explicitly examine Islamic law not only as a system of norms or a product of legislation, but also as a mechanism of power legitimacy in the context of contemporary identity politics. Previous studies have highlighted the symbolic role of Islam in politics, but have not sufficiently explored how Islamic legal arguments, fatwas, or sharia discourse are used to build claims of legitimacy that impact power structures. Furthermore, previous studies have not elaborated on how Islamic law-based legitimacy interacts with social plurality and modern democratic principles, thereby creating tension between religious and constitutional authorities. This knowledge gap is important to address because religious-based identity politics is growing stronger and has the potential to shape the direction of democracy, legal policy, and social cohesion.

Based on this gap, this study attempts to formulate an integrative approach that combines political legitimacy theory, the concept of Islamic law as a source of normative authority, and political identity analysis as a strategy for power mobilisation. This study will make a new theoretical contribution by demonstrating that the legitimacy of power in modern Muslim societies is not only legal-rational or traditional, but also discursive-religious, shaped by the interpretation of Islamic law in the political arena. The purpose of this study is to comprehensively analyse the relationship between Islamic law, the legitimacy of power, and identity politics in the context of modern politics. The significance of this study lies in its urgency in understanding contemporary political dynamics, which are increasingly influenced by religious identity.

Methods

This study uses a qualitative approach with a library research design integrated with legal-political discourse analysis, focusing on the conceptual construction, meaning production, and normative articulation of Islamic law in the political sphere, which can be traced through texts and documents without interviews. The operational focus of this study includes the legitimacy of power as a form of justification of political authority built through social acceptance and normative arguments, Islamic law as a discursive source mobilised in the justification of power, and identity politics as the practice of politicising religious identity in public contests. The study's subject is not individuals. Still, a corpus of text data selected purposefully, including fatwas, sharia-based regulations, political speeches, official documents from religious institutions, and media narratives that represent the relationship between Islamic law and legitimisation strategies in identity politics.

The research instruments consist of document analysis protocols and conceptual frameworks developed through the integration of political legitimacy theory, Islamic law theory, and identity politics approaches, enabling a reflective and systematic reading of the data. The validity of the data is ensured through theoretical and source triangulation, namely by comparing various primary and secondary documents and testing the consistency of interpretations with the latest literature, accompanied by an audit trail to maintain the transparency of the analysis process. The data collection procedure was carried out in stages, starting with the source inventory, the selection of relevant documents, the categorisation of legitimacy and identity themes, and the

tracing of patterns of Islamic law arguments in the discourse of power.¹⁵ The analysis techniques applied were critical discourse analysis and thematic content analysis, enabling a comprehensive explanation of how Islamic law is produced as a tool of political legitimacy in identity politics and offering theoretical contributions aligned with the study's objectives.

Result and Discussion

The Production of Legitimacy Through the Symbolic Formalisation of Islamic Law

The production of legitimacy through the symbolic formalisation of Islamic law is one of the most prominent phenomena in contemporary political dynamics in many Muslim societies. In recent decades, the increasing use of sharia idioms in the public sphere, moral discourse, and state policy shows how Islamic law is no longer understood solely as a religious normative horizon that regulates human relations with God, but also as a symbolic and institutional tool used to build an image of order, morality, and political authority. This phenomenon has intensified, especially as electoral competition has sharpened, social fragmentation has increased, and public trust in democratic institutions has weakened.

Conceptually, the legitimacy of power is never neutral. Max Weber shows that legitimacy can derive from rational legality, tradition, or charisma.¹⁶ However, in religious societies, legitimacy often transcends formal legal procedures and enters the moral and symbolic realms. This is where Islamic law becomes a powerful source of legitimacy because it offers a normative language considered sacred and universal. When Sharia is brought into the public sphere, it functions not only as a norm but also as a sign of morality that can bind collective emotions. The symbolic formalisation of Islamic law can thus be understood as a process in which the state or political actors transform religious symbols into instruments of legitimacy to strengthen claims to power, build social consensus, and assert authority amid political uncertainty.

In Michel Foucault's perspective, modern power works not only through repression, but also through the production of normality, discipline, and surveillance.¹⁷ When Islamic law is formalised into policy, it can function as a disciplinary instrument that shapes certain social subjects: citizens who are considered pious, obedient, and moral, as well as those suspected of deviating, being inappropriate, or even becoming a moral threat. In many cases, the idiom of sharia is used to construct the state's moral image. Governments or political elites often present Islam-inspired policies as proof of their commitment to public values, such as order, justice, and piety.¹⁸

Policies on dress codes, alcohol restrictions, social regulations, and sharia economic regulations are often promoted as a corrective to the modern ethical crisis. In situations where democratic institutions are considered corrupt or fail to meet the aspirations of the people, sharia is positioned as a more authentic moral alternative. This explains why

¹⁵ Hussein Raja Al-Shuqairat and Mohanad Nayef Aldajah, "Islamic Historiography and Modernity: A Systematic Literature Review on the Evolution of Muslim Societies in the Postcolonial Era," *Journal of Islamic Thought and Civilization* 15, no. 1 (2025): 240–60, <https://doi.org/10.32350/jitc.151.14>.

¹⁶ Max Weber, "The Types of Legitimate Domination," in *Social Theory Re-Wired* (Routledge, 2016), 270–86, <https://doi.org/10.4324/9781315775357-28/>.

¹⁷ Michel Foucault, "Discipline," in *Rethinking the Subject* (Routledge, 2018), 60–69, <https://doi.org/10.4324/9780429497643-4>.

¹⁸ 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>; 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>.

the formalisation of Islamic law often intensifies during periods of political transition, when the state's legitimacy is fragile and political actors need additional sources of authority to gain support.

Complex examples can be found in various countries. In Pakistan, for example, the accelerated Islamisation of law during the Zia-ul-Haq era shows how sharia was used to strengthen the military regime through claims of Islamic morality.¹⁹ Hudud policies and religious regulations functioned not only as norms but also as a legitimisation strategy that removed opposition by labelling it un-Islamic. In post-1979 revolutionary Iran, Islamic law became the basis of a theocratic political system that linked state legitimacy directly to the authority of the clergy.²⁰ In this context, sharia is not only a moral symbol but also a governing structure that regulates social life broadly, including control over women's bodies through mandatory hijab rules, as well as moral supervision through state institutions.

In Malaysia, the Islamisation policy that has developed since the 1980s shows how competition between political parties has encouraged the use of sharia as electoral capital.²¹ States such as Kelantan have implemented strict Islamic regulations as a symbol of political identity and a claim of legitimacy that the local government is more moral than the federal government.²² In Turkey, despite the country's tradition of secularism, the AKP government shows how Islamic symbols can be mobilised in the public sphere to strengthen populist legitimacy, even within the framework of a modern state.²³ Policies that reinforce Islamic identity are often used to build a majority support base, but they also raise concerns about the decline of democracy and the marginalisation of minority groups.

In Indonesia, the phenomenon of sharia regulations in various regions shows how Islamic law is used as a local political instrument.²⁴ Regulations on Muslim dress, curfews for women, prohibitions on immorality, or the obligation to read the Qur'an are often framed as efforts to build a moral society. However, such policies also produce social divisions: who is considered to conform to the majority norm, and who is suspected of deviating from it. In practice, women, religious minorities, or marginalised communities are often the targets of stigma and social control. This is where we see how Islamic law shifts from a religious norm to a technology of governance that regulates behaviour through mechanisms of discipline and surveillance.

The main controversy in the formalisation of sharia lies in the boundary between the expression of legitimate religious aspirations and the practice of instrumentalising religion, which locks democracy into the logic of moral majoritarianism. In a democracy, the aspirations of the majority do have room for articulation, but democracy also

¹⁹ Md Ziaul Haque Sheikh and Zahid Shahab Ahmed, "Military, Authoritarianism and Islam: A Comparative Analysis of Bangladesh and Pakistan," *Politics and Religion* 13, no. 2 (2020): 333–60, <https://doi.org/10.1017/S1755048319000440>.

²⁰ Mohsen Moheimany, "The Evolution of Political Opposition in Post-Revolutionary Iran," *Handbook on Opposition Politics*, 2025, 366–81, <https://doi.org/10.4337/9781035307647.00034>.

²¹ Azmil Tayeb and Meredith L Weiss, "Islamist Government in Malaysia under PAS: Ideology, Policies, and Competition," *Asian Studies Review* 49, no. 2 (2025): 234–54, <https://doi.org/10.1080/10357823.2024.2383682>.

²² Aan Eko Widiarto et al., "The Authority Relationship of Central and Local Governments in Forming Laws and Regulations: Between Indonesia and Malaysia," *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025): 148–67, <https://doi.org/10.22219/ljih.v33i1.36629>.

²³ Sebnem Gumuscu, "The AKP and Stealth Islamization in Turkey," *Turkish Studies* 25, no. 3 (2024): 371–97, <https://doi.org/10.1080/14683849.2024.2320725>.

²⁴ Rohidin Rohidin et al., "Exclusive Policy in Guaranteeing Freedom of Religion and Belief: A Study on the Existence of Sharia-Based Local Regulations in Indonesia and Its Problems," *Cogent Social Sciences* 9, no. 1 (2023): 2202939, <https://doi.org/10.1080/23311886.2023.2202939>.

demands the protection of minority rights and individual freedoms.²⁵ When sharia is made state policy, the question arises: is this the fulfilment of legitimate public aspirations, or a strategy of power that turns religion into an instrument of domination? This is where the academic and political debate becomes particularly acute.

The legal moralists view the formalisation of sharia as fulfilling public needs and correcting the modern ethical crisis. They argue that society needs strong moral guidelines to overcome the social degradation caused by modernity, secularism, or liberalism. In this view, sharia is understood as a value system capable of creating order, justice, and social harmony. The state is considered obligated to accommodate the religious aspirations of the majority because democracy also means government by the will of the people. The formalisation of Islamic law is thus positioned as a normative response to societal demands.

The critical camp assesses the formalisation of sharia as a hegemonic strategy that transforms piety into political capital and normalises stigma-based social control. They emphasise that when sharia is made a symbol of the state, it is no longer neutral as a religious norm, but becomes an instrument of power used to strengthen the dominance of the political and religious elite. Piety is produced as a political category: obedient citizens are considered moral, while those who are different are considered a threat. In this framework, sharia functions as a technology of power that disciplines bodies and behaviour, not merely as a spiritual guide. The critical camp also highlights that formalisation is often selective and instrumental: certain aspects of sharia that benefit those in power are emphasised, while broader dimensions of social justice are ignored.²⁶

Pragmatic moderates try to take a middle position by arguing that sharia-inspired policies are acceptable as long as they are procedural and do not violate constitutional rights. They emphasise the importance of distinguishing between religious symbols as cultural identities and discriminatory legal applications. In this view, sharia can be accommodated in the public sphere as part of democratic pluralism, provided it does not undermine the principle of citizen equality. However, this moderate position often faces a dilemma, as the line between moral policy and discrimination is not always clear.

The human rights camp emphasises that discriminatory effects are often present even when the policy's text appears neutral. Regulations on public morality often have a disproportionate impact on certain groups, especially women and minorities. For example, dress codes framed as morality can become a means of controlling women's bodies. In contrast, prohibitions on immorality can serve as justification for authorities to conduct raids and engage in symbolic violence. The human rights perspective highlights that the formalisation of sharia in modern states often creates structural inequality, as it imposes the norms of the majority as a universal standard for all citizens.

The production of legitimacy through the symbolic formalisation of Islamic law reveals the complexity of the relationship between religion, morality and power. Sharia in this context is not only a religious norm, but also a political language capable of building authority, creating collective identities and producing mechanisms of social discipline. The process of transferring Islamic law from the religious normative horizon to a technology of governance shows how religion can function as a source of legitimacy and a tool of control. In a situation where electoral competition is intensifying and

²⁵ Faizah Abdullah Latif, Moh Dahhur, and Sasi Sabila Musakinah Ramadhany, "Protection of Freedom of Religion in Islamic Law in Secular Turkey and Its Relevance for Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 1-16, <https://doi.org/10.65586/insani.v1i1.1>.

²⁶ Rahman et al., "Restorative Justice in Indigenous Communities as a Path to Contextual Justice," *Jurnal Pelita Raya* 1, no. 2 (2025): 122-36, <https://doi.org/10.65586/jpr.v1i2.22>.

democratic institutions are weakening, the symbol of sharia has become a highly effective political asset for building an image of morality and order. However, the controversy over the boundary between legitimate religious aspirations and the instrumentalisation of religion remains a major challenge.

The formalisation of sharia can be an expression of the religious identity of the community, but it can also be a hegemonic strategy that locks democracy into moral majoritarianism. The debate among legal moralists, critics, pragmatic moderates, and human rights perspectives shows that this issue cannot be reduced to a pro- or anti-Sharia dichotomy. What is more important is to understand how Islamic law works in political practice as a device of legitimacy, how it produces social categories and dividing lines, and how it impacts democracy, pluralism, and citizens' rights.

The Political Economy of Actors and Coalitions Promoting Sharia in the Contestation of Authority

The political economy of actors and coalitions promoting sharia in contemporary political contests shows that Islamic law operates not only as a theological norm but also as a strategic resource, contested in the market for political support and in the contestation of symbolic authority. In an increasingly differentiated social configuration, the Islamic public sphere is no longer monopolised by a single type of authority. Still, it is filled with a complex network of actors, ranging from political parties, local elites, bureaucracies, religious mass organisations, popular preachers, educational networks, and digital influencers. All of these actors claim Islamic authority, but their interests are not always aligned. Sharia in this context is not only a set of norms, but also symbolic capital that can be transformed into political legitimacy, electoral capital, and even economic profits through the religious industry.

From a coalition theory perspective, political actors never act alone but build pragmatic alliances to expand their support base. When sharia is made an issue, these coalitions often involve an exchange of capital: political parties need moral legitimacy. In contrast, mass organisations or religious elites need access to policy and state resources. Local bureaucracies may support sharia-inspired regulations not solely out of ideological conviction, but because of calculations of social stability and political incentives. Popular preachers and digital influencers benefit from increased visibility and strengthened positions as public moral references. Here, we see that Sharia functions as a symbolic currency that can be exchanged in political transactions, where religious interpretations are produced, packaged, and marketed as commodities of legitimacy.

Within Pierre Bourdieu's framework, this competition can be read as a battle in the 'field' or social arena where actors compete for symbolic capital. Religious authority is not merely a spiritual attribute, but the result of negotiated power relations. Traditional clerics have institutional capital through networks of Islamic boarding schools and official institutions, while charismatic figures gain capital through popularity and emotional resonance. In the digital age, social media algorithms introduce new forms of capital: visibility and engagement. A preacher with millions of followers can have greater influence than formal institutions, even if their scientific legitimacy is debatable. This shows that Islamic authority is increasingly fragmented, and religious interpretation has become an arena of competition determined not only by scientific sanad but also by the logic of the attention market.

Coalitions promoting sharia are often built through the mechanism of 'packaging' Islamic legal discourse to make it more accessible to the public. In political communication theory, complex issues must be simplified into effective slogans,

symbols, or moral narratives. Sharia is then produced not in the form of complex fiqh discourse, but in packages of popular morality: anti-immorality, pro-order, or 'ummah' identity. These discourse products are marketed through sermons, social media, campaign billboards, and even symbolic public policies.

This phenomenon can be seen in various national contexts. In Indonesia, for example, sharia-inspired local regulations often appear in local political contests as a strategy for elites to gain the support of the Muslim majority. Coalitions between parties, bureaucracies, and mass organisations legitimise these policies as the aspirations of the ummah. However, in practice, these policies also become a tool for political differentiation: candidates who support Sharia are positioned as more pious, while political opponents are suspected of being less Islamic. In Malaysia, the competition between UMNO and PAS shows how sharia issues are used to seize the moral authority of the Malay Muslim community.²⁷ Sharia becomes an arena for interpretative battles: who is more authentically representative of Islam, who is more deserving of leadership. In Pakistan, the Islamisation of law is often a strategy used by the regime to strengthen its legitimacy amid political instability, while at the same time removing the opposition by labelling them as un-Islamic. In Turkey, the use of Islamic symbols in populist politics shows how religious identity is used to build majority solidarity, even though the country has a tradition of secularism.

The debate in sharia political economy centres on who has the right to interpret and represent Islamic law in the political sphere. Is it authoritative scholars with a classical scientific basis, official religious institutions recognised by the state, or charismatic figures who win in the media algorithm? This question is not merely a matter of religious epistemology, but of the distribution of symbolic power. In modern society, the representation of Islam is a highly valuable source of legitimacy. Whoever can claim the dominant interpretation can influence policy, shape public opinion, and direct social behaviour.

Institutionalists emphasise the importance of formal religious authority to prevent interpretations from running wild and dividing the community. They argue that institutions such as councils of scholars, large Islamic boarding schools, or official fatwa institutions have epistemic mechanisms to maintain consistency in the interpretation of sharia. In this view, if religious interpretation is left to populist figures without institutional control, Islam will become fragmented into uncontrolled discourse that is easily manipulated for short-term political interests. Institutionalists see the formality of authority as a bulwark of stability for the community and the state.

Conversely, the populist camp believes that legitimacy stems from public resonance and the ability to mobilise, not from institutional certification. In the logic of populism, religious authority does not necessarily derive from formal structures but from emotional closeness to the community and the ability to respond to society's moral needs. Popular charismatic figures are considered more authentic because the masses directly support them. At the same time, formal institutions are often suspected of being too close to the state and lacking credibility. Religious populism thus shifts the centre of authority from institutions to mass networks and the media, creating a democratisation of interpretation alongside the risk of extreme simplification. The political realist camp takes a more cynical but analytical position, arguing that all actors will use religious symbols as a rational strategy to win. In this perspective, sharia is an inevitable

²⁷ Norshahril Saat, "The Ulama, Thought-Styles, and the Islamic State Debate in Contemporary Malaysia," *Studia Islamika* 21, no. 1 (2014): 47-76, <https://doi.org/10.15408/sdi.v21i1.878>.

instrument of political competition. Parties will use religion to garner support, mass organisations will exploit Sharia issues to strengthen their bargaining position, preachers will tailor their messages to their audience, and influencers will monetise religious identity.

Political realists see that in competitive democracies, religious symbols are among the most effective resources because they can bind collective identities and build loyalty.²⁸ The normative ethical camp argues that there are moral boundaries that must not be crossed when religion is traded for power. They warn that the instrumentalisation of religion can damage the spiritual integrity of Islam and create social exclusivism. When Sharia is turned into a political commodity, piety becomes a public performance measured through symbols rather than substantive ethics. In this context, religion loses its liberating dimension and instead becomes a tool of control and domination. The ethical camp emphasises the need to ensure that Islamic law is not reduced to an electoral slogan that divides society.

In practice, the political economy of sharia coalitions often produces ambivalent consequences.²⁹ On the one hand, it can strengthen collective identity and offer a moral framework for societies experiencing disorientation in modernity. On the other hand, it also has the potential to normalise moral majoritarianism, in which the logic of homogenisation threatens minority rights and individual freedoms. Sharia policies that appear neutral often produce discriminatory effects because they are applied in unequal social structures. For example, public morality regulations often target women or marginalised groups, while the elites who produce the sharia discourse are protected from similar controls.

Cross-actor coalitions also create a competitive market for support. In this market, sharia becomes a political product that must be sold through attractive framing. Popular preachers offer easily understandable packages of Islam, digital influencers produce viral religious content, political parties make sharia part of their campaign agenda, and the bureaucracy implements symbolic policies to demonstrate moral assertiveness. This process shows how religion is transforming into a political and cultural industry, where a combination of traditional legitimacy, popularity, and institutional access determines authority.

The Social Impact of Law, Democracy, and Citizenship Exclusion, Moral Criminalisation, and Resistance from Below

The social impact of law, democracy, and citizenship from the legitimisation of power through Islamic law in identity politics is one of the most crucial and problematic dimensions in contemporary political studies. The consequences of the symbolic formalisation of sharia do not stop at the victory of discourse or the success of moral mobilisation in electoral contests, but move into the realm of enforcement, supervision, and the formation of new social norms that regulate the daily lives of citizens. In many cases in various countries, sharia-inspired policies have transformed from mere moral rhetoric into legal and administrative mechanisms that produce certain standards of citizenship. Islamic law, mobilised as a source of political legitimacy, then functions as a social technology that defines who is considered a legitimate citizen, who is considered

²⁸ Scott Atran, "What Sustains Wars: Will to Fight Versus Military Might," *Annals of the New York Academy of Sciences* 1554, no. 1 (2025): 66-86, <https://doi.org/10.1111/nyas.70113>.

²⁹ Suud Sarim Karimullah, "Analysis of the Influence of Political Power on the Implementation of the Islamic Economic System," *Jurnal Ekonomi Syariah, Akuntansi Dan Perbankan (JESKaPe)* 8, no. 2 (2024): 179-209, <https://doi.org/10.52490/jeskape.v8i2.4714>.

moral, and who is suspected of deviating. This is where religion-based identity politics reveals its material impact: not only at the symbolic level, but also in social structures, power relations, and concrete experiences of citizenship.

From a sociological perspective, law functions not only as a formal rule, but also as a mechanism for producing social norms and moral hierarchies. When sharia is formalised, it not only regulates behaviour, but also classifies subjects: pious citizens versus those considered problematic, moral versus immoral, normal versus deviant. This process creates a conditional form of citizenship, in which civil rights and social recognition increasingly depend on conformity with institutionalised majority morality.

This phenomenon can be understood through Michel Foucault's concept of governmentality, which emphasises that modern power works through the regulation of populations and the discipline of bodies.³⁰ Sharia-based moral policies often become disciplinary instruments that control both public and private spaces. Rules on dress, restrictions on socialising, alcohol bans, or sexual morality regulations are not just matters of ethics but of social control. Women's bodies, for example, are often the main locus of surveillance, as they are positioned as symbols of collective honour.

Complex examples can be found in various countries. In Iran, mandatory hijab rules and moral surveillance by the sharia police demonstrate how Islamic law is used as a state mechanism to regulate women's bodies and discipline public spaces.³¹ This policy creates unequal categories of citizenship, as women become the main subjects of symbolic and administrative control. The resulting social resistance, such as the women's movement rejecting the mandatory hijab, shows that moral enforcement does not always lead to compliance but also creates conflict between the state and its citizens. In Saudi Arabia, despite the commencement of social reforms, the long history of the morality police shows how sharia was once the main instrument of control over public spaces and the restriction of individual freedoms.

In Pakistan, hudud laws and morality regulations are often criticised for their discriminatory impact on women and vulnerable groups.³² Accusations of adultery or moral violations can be used as a tool of criminalisation that reinforces patriarchy and class inequality. In Malaysia, the dualism of the legal system between sharia and civil law creates citizenship tensions, especially for minority groups or liberal Muslims who face state moral regulations. In Indonesia, sharia regulations in some regions demonstrate how moral policies can create a chilling effect, for example, through clothing raids, restrictions on night-time activities, or regulations targeting specific groups. In practice, citizens often conform not because they accept these norms substantively, but because they fear social stigma, pressure from authorities, or administrative consequences.

The main controversy surrounding this impact concerns the dangerous trade-off between political stability and the sacrifice of civil liberties.³³ In many cases, the legitimisation of power through Islamic law offers the promise of order and social harmony. Still, it often comes at the cost of normalising moral criminalisation, cultural persecution, and the weakening of the principle of equality before the law. Modern

³⁰ Bruce Curtis, "Foucault on Governmentality and Population: The Impossible Discovery," *Canadian Journal of Sociology/Cahiers Canadiens de Sociologie*, 2002, 505-33, <https://doi.org/10.2307/3341588>.

³¹ Maulana Hayatullah, Moh Arrofiar Rohman, and Novan Gonzales, "Analysis of Shiite Political Thought in Iran and Its Influence in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 16-31.

³² Muhammad Zubair Abbasi, "Sexualization of Shari'a: Application of Islamic Criminal (Hudud) Laws in Pakistan," *Islamic Law and Society* 29, no. 3 (2021): 319-42, <https://doi.org/10.1163/15685195-bja10016>.

³³ 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>.

democracy rests on the idea that citizens have equal rights regardless of their identity or private morality. However, when the state adopts a single moral standard based on sharia, democracy risks slipping into moral majoritarianism, a situation in which the will of the majority not only determines public policy but also controls the private lives of minorities.

Moral criminalisation is one of the most obvious consequences. When certain behaviours are defined as violations of sharia, the state gains legitimacy to punish or monitor citizens in areas previously considered private. For example, the criminalisation of extramarital relationships, restrictions on gender expression, or the prohibition of activities considered sinful often result in repressive moral policing. In this context, the law becomes an instrument of moral control, not merely a means of protecting rights. The effect is the emergence of collective fear, in which citizens internalise norms not because of belief but because of the threat of social and administrative sanctions. This is called the deterrent effect: compliance produced through fear rather than normative consensus.

Social exclusion also becomes a structural impact. Sharia policies often hit religious minorities, women, the poor, or marginalised communities. Minorities may be suspected of not conforming to the collective identity of the majority, while women are often the target of bodily and moral control. Poor groups are more vulnerable because they lack the resources to resist the authorities or social stigma. From a citizenship theory perspective, this creates a stratification of citizens: some citizens gain full recognition as part of the moral community, while others are positioned as less legitimate citizens who must be monitored or disciplined.

Supporters of sharia policy argue that the positive effects of order, reduced deviant behaviour, and strengthened collective identity cannot be ignored. They argue that society needs clear moral guidelines to address the crises of modernity, such as crime, decadence, and social disintegration. In this view, sharia offers ethical solutions that can build solidarity among the people and strengthen social stability. Supporters also believe that moral policies can protect the younger generation and strengthen family values.

Conversely, opponents point to hidden costs that are often invisible in the short term but undermine social cohesion in the long term. They emphasise that discrimination, symbolic violence, delegitimisation of vulnerable groups, and social fragmentation are serious consequences. When citizens are forced to conform to a single morality, the space for pluralism narrows and identity conflicts increase. Cultural persecution of groups considered deviant, such as religious minorities or the LGBTQ community, creates deep social wounds.³⁴ From this perspective, politicised sharia does not produce harmony, but creates a moral hierarchy that reinforces exclusivism.

Some sceptics see sharia policies as merely cosmetic. They argue that many sharia-inspired regulations do not actually solve structural problems such as poverty, corruption, or social inequality, but are merely political symbols to demonstrate the government's piety.³⁵ However, this scepticism highlights the danger of such cosmetic measures: although symbolic, they shift the standards of citizenship towards a single morality without requiring major legal changes.

³⁴ Suud Sarim Karimullah, "Sexual Deviations in the LGBT Community on Islamic Law Perspective and Its Impact on the Existence of Muslim Families," *Tazkir: Jurnal Penelitian Ilmu-Ilmu Sosial Dan Keislaman* 9, no. 1 (2023): 89–108, <https://doi.org/10.24952/tazkir.v9i1.6910>.

³⁵ Suud Sarim Karimullah, Moh Bahrudin, and Istadi Istadi, "The Influence of Identity Politics in Contemporary Islam," *Analisis: Jurnal Studi Keislaman* 23, no. 2 (2023): 161–86.

Resistance from below is an important dimension in understanding the social impact of these laws. Citizens do not always passively accept the formalisation of sharia. In many contexts, civil society movements, women's activism, minority communities, and progressive groups have emerged to reject moral criminalisation.³⁶ Resistance can take the form of open protest, legal advocacy, digital campaigns, or everyday practices that negotiate norms. For example, the women's movement in Iran shows how the body has become an arena of resistance against state control. In Indonesia, human rights organisations and civil society groups often challenge discriminatory local regulations.³⁷ This resistance shows that citizenship is shaped not only from above through policy but also from below through social practices.

From a democratic theory perspective, this kind of resistance is important because it shows that democracy is not only an electoral procedure, but also a space for the struggle for rights and equality. When sharia is used to reinforce moral majoritarianism, resistance from below becomes a corrective mechanism for maintaining pluralism. However, resistance also often faces repression, stigmatisation, and delegitimation, because rejection of sharia policies can be labelled as anti-Islamic or immoral. This is where we see how identity politics locks down the space for criticism: opposition is not only debated politically, but also moralised.

The social impact of Islamic law in identity politics reveals a fundamental dilemma between stability and freedom, between collective identity and individual rights, and between public morality and civic equality. The legitimisation of power through Sharia can produce symbolic order, but it also produces exclusion, moral criminalisation, and social control that undermine substantive democracy. Sharia-inspired policies create categories of more legitimate citizens, normalise stigma against vulnerable groups, and produce a chilling effect that shapes fear-based compliance. This controversy shows that the formalisation of Sharia is not only a legal or religious issue, but also a matter of citizenship and democracy that determines the direction of communal life.

Conclusion

Sharia in the context of contemporary politics is no longer confined solely to the normative religious horizon but has transformed into a technology of power that operates through symbolic formalisation, the production of authority, and the regulation of citizenship. Islamic law is produced as moral capital, contested by a coalition of actors across institutions, from political parties to digital influencers, so that religious interpretation is not only an epistemic issue but also an arena of the political economy of support and moral hegemony. The novelty of this study lies in its analytical integration of legitimacy theory, governmentality, and identity politics to explain how Sharia is packaged as an instrument of government that forms boundaries between citizens who are considered legitimate and those who are suspected of deviating, while also enriching previous studies that were often fragmented between normative, symbolic, and institutional dimensions.

The implications of these findings show that Sharia-inspired policies have ambivalent consequences because they can strengthen symbolic order and collective identity, but also risk normalising exclusion, moral criminalisation, and the weakening

³⁶ Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88-117, <https://doi.org/10.18860/j-fsh.v16i1.26159>; Suud Sarim Karimullah and Siti Rutbatul Aliyah, "Feminist Criticism of Traditional Understanding of Women's Roles in Islam," *An-Nisa': Journal of Gender Studies* 16, no. 2 (2023): 195-214, <https://doi.org/10.35719/annisa.v16i2.177>.

³⁷ Bhakti Wiranti et al., "Political Feminism and Women's Representation in Public Policy in Indonesia," *Jurnal Pelita Raya* 1, no. 1 (2025): 1-16, <https://doi.org/10.65586/jpr.v1i1.11>.

of democratic principles of equality through covert moral majoritarianism. In practical and policy terms, a regulatory framework is needed to ensure that religious aspirations do not become mechanisms of discrimination, and a public space that allows citizens to resist without the stigma of delegitimation. The limitations of this study lie in its focus on document and discourse analysis, which does not fully capture the complexity of the lived experiences of vulnerable groups in enforcement practices. Therefore, further comparative studies and broader empirical approaches are needed to assess the social impact in greater depth.

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