



The Application of Islamic Law in the Social Practices of Indonesia's Multicultural Society

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Article info:	Abstract
Keywords: <i>Islamic law, Living law, Multicultural society, Social agents Social practices</i>	The law is no longer merely obeyed as a sacred text, but is reproduced as an arena of social dialectics steeped in interests, power and cultural compromise. This study aims to comprehensively analyse the process of negotiating Islamic law within the social practices of Indonesia's multicultural society, and to identify the factors influencing these dynamics. This study employs a qualitative approach with an interpretative socio-legal design to understand Islamic law as a social practice shaped through the interaction between norms, interests, power relations and cultural contexts. The findings indicate that Islamic law can no longer be understood solely as an autonomous normative system, but rather as a social arena that is constantly undergoing construction and reconstruction through processes of meaning negotiation, legitimacy contestation, and compromise among stakeholders within a diverse society. This finding shifts the legal perspective from a textual orientation towards an understanding that positions law as a dynamic social process actively produced by various actors with diverse interests. The novelty of this study lies in its assertion that legal pluralism not only reflects the coexistence of various legal systems but also constitutes a space for the ongoing production of legitimacy. Consequently, the development of legal practice and policy must be directed towards a more dialogical, adaptive and inclusive approach, recognising the diversity of interpretations as an integral part of strengthening the legitimacy of the law within a multicultural society.
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Introduction

Indonesia, as a nation characterised by ethnic, religious, cultural, and value diversity, presents a unique social landscape in which Islamic law does not stand alone, but rather interacts with state law, customary law, and the social norms that have developed within society.¹ In such a context, the application of Islamic law cannot be understood as a static normative process, but rather as a social practice that is constantly negotiated in accordance with the context of time and place.² This phenomenon has become increasingly relevant amid rising social mobility, the globalisation of values, and the development of human rights discourse, which often intersects with the interpretation of Islamic law in daily life.³

Empirically, the practice of negotiating Islamic law can be observed in various aspects of community life, such as marriage, inheritance, the Islamic finance sector, and religious practices that interact with local traditions.⁴ In many cases, communities do not rigidly apply Islamic legal norms as set out in classical texts, but rather adapt them through a process of compromise between normative teachings and practical needs.⁵ This demonstrates that Islamic law in the Indonesian context is more accurately understood as a living law that evolves through social interaction. However, this process of negotiation does not always proceed harmoniously, as it is often marked by tension between groups advocating for the purification of religious teachings and those who are more contextual and accommodating towards multicultural social realities.

Studies on Islamic law in Indonesia have developed through various approaches, ranging from normative-doctrinal to socio-legal approaches. The normative approach tends to view Islamic law as a set of rules derived from authoritative texts, whilst the socio-legal approach emphasises the importance of understanding law as a social practice influenced by cultural, political, and economic factors.⁶ Several earlier studies have shown that the implementation of Islamic law in Indonesia cannot be separated from the local context that shapes it.⁷ Studies on legal pluralism affirm that the existence of various legal systems within a single social space creates a dynamic arena of negotiation, in which social actors play an active role in shaping legal practice.

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://journal.mahkotascience.org/index.php/insani/article/view/4>.

² Jonathan G Ercanbrack and Ali Ali, "The New Legalities of Islamic Contractual Interpretation: Institutional Frameworks and the Displacement of Intention," *International Journal of Islamic and Middle Eastern Finance and Management* 17, no. 6 (2024): 1196–1212, <https://doi.org/10.1108/IMEFM-03-2024-0156>.

³ 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://journal.mahkotascience.org/index.php/insani/article/view/7>.

⁴ Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>; Asep Saepudin Jahar and Ulfah Fajarini, "Legal Culture and the Dynamics of Religious Interaction in Ritual Practices among Interfaith Marriage," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2024, 333–48, <https://doi.org/10.24090/mnh.v18i2.11659>.

⁵ Nasruddin Yusuf, "Islamic Legal Philosophy as a Framework for Legal Reform in Multicultural Societies," *Kawanua International Journal of Multicultural Studies* 6, no. 2 (2025): 206–18; 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.

⁶ Cahaya Rembulan et al., "The Impact of the Digital Economy on Economic Empowerment Models for Muslim Youth in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 48–63, <https://doi.org/10.65586/jli.v1i1.17>.

⁷ Irma Suryani et al., "Integration of Islamic Law in Regional Development in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (2023): 1–11, <https://doi.org/10.31958/juris.v22i1.8770>; 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>.

Recent studies also highlight how Muslim communities in Indonesia construct their understanding of Islamic law through interaction with state institutions and religious authorities.⁸ For instance, research on religious courts indicates that judges act not only as interpreters of the law but also as mediators who take into account the community's social values when making decisions. On the other hand, studies on Islamic economics reveal that the principles of Islamic law are often adapted to suit the modern economic system, resulting in hybrid forms that reflect a compromise between religious norms and market needs.⁹ These findings indicate that the negotiation of Islamic law is a complex process involving various interests and social actors.

Studies on the relationship between Islamic law and customary law reveal distinct patterns of integration across various regions in Indonesia.¹⁰ In some communities, customary law actually serves as the primary medium for translating the principles of Islamic law into daily practice. This is evident, for example, in kinship systems and inheritance distribution that combine customary and Sharia elements. However, other studies also highlight conflicts between the two systems, particularly when there are differing interpretations of norms of justice and equality. This situation further underscores that the negotiation of Islamic law takes place not only at the individual level, but also at the community and social institutional levels. Nevertheless, existing studies remain largely fragmented and have not yet fully captured the complexity of Islamic legal negotiation within a multicultural society holistically.

Most studies still focus on a specific aspect, such as religious courts or sharia economic practices, without linking them to broader social dynamics. Furthermore, there is a tendency to view the negotiation of Islamic law merely as a form of compromise between religious norms and social realities, without delving deeper into how this process reshapes the very meaning of the law itself. A research gap identified in previous studies lies in the lack of an integrative approach that links the various dimensions of the negotiation of Islamic law, whether at the individual, community, or institutional levels. Furthermore, there remains a scarcity of studies that explicitly examine how factors of multiculturalism, encompassing ethnic, religious, and cultural diversity, influence this negotiation process.

Most studies have also failed to incorporate an interdisciplinary perspective that simultaneously integrates legal analysis, sociology, anthropology, and religious studies. Consequently, the understanding of Islamic legal negotiation remains partial and has not yet provided a comprehensive picture of the dynamics occurring within society. Furthermore, there is a mismatch between the theoretical frameworks used in many studies and the empirical realities unfolding on the ground. Many studies still employ an approach that is either too normative or too structural, rendering them insensitive to the everyday practices that constitute the primary arena of legal negotiation. This

⁸ Lalu Hendri Nuriskandar et al., "The Convergence of Islamic Law and Customary Law in the Management of Zakat in Indonesia and Malaysia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 63–79, <https://journal.mahkotascience.org/index.php/insani/article/view/5>; M Rafli Kurniawan et al., "Political Analysis of Islamic Law on the Regulation of Interfaith Marriage in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 32–47, <https://journal.mahkotascience.org/index.php/insani/article/view/2>.

⁹ 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>; Rosdalina Bukido, Muhammad Azhar Muslih, and Suud Sarim Karimullah, "Family Economic Empowerment Strategies in Gangga II Village: A Maqashid Shariah Perspective," *Al-Mujtahid: Journal of Islamic Family Law* 5, no. 1 (2025): 1–12, <https://doi.org/10.30984/ajifl.v5i1.3438>.

¹⁰ Roy Prabowo Lenggono, "Islamic Inheritance Law in Practice Among Multiethnic Muslim Families in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 127–43, <https://doi.org/10.65586/insani.v1i2.39>.

indicates a significant knowledge gap, particularly in understanding how individuals and social groups actively interpret, adapt, and even transform Islamic law in their lives.

Based on this identification, the novelty of this study lies in developing an integrative analytical framework capable of explaining the negotiation of Islamic law as a multidimensional process involving the interaction among religious norms, social structures, and cultural dynamics within Indonesia's multicultural society. This study aims to comprehensively analyse how Islamic law is negotiated in the social practices of Indonesia's multicultural society, as well as to identify the factors influencing this process. The significance of this study lies in its contribution to enriching the body of knowledge in Islamic law and social studies, particularly in the context of multicultural societies.

Methods

This study employs a qualitative approach with an interpretative socio-legal design to understand the application of Islamic law as a social practice shaped through negotiation within a multicultural society. The focus is on the dynamics of norm negotiation between Islamic law, state law, and local values, along with the factors influencing them, such as social structure, religious authority, and cultural context. Informants were selected through purposive sampling based on their direct involvement in legal practices, including religious figures, religious judicial officials, traditional leaders, and community members; the sample was then expanded using snowball sampling to obtain more comprehensive information. Data were collected through semi-structured in-depth interviews, participatory observation and document analysis of relevant regulations and social practices.¹¹ Data validity was ensured through triangulation of sources, techniques and time, as well as member checking with informants to enhance the credibility of the findings. All data were analysed using the interactive analysis model developed by Miles, Huberman and Saldaña, which involves data reduction, data presentation, and the iterative drawing and verification of conclusions until consistent patterns, themes and relationships were identified. This methodological approach was chosen because it can yield an in-depth understanding of the process of negotiating Islamic law, reveal the power relations underpinning legal practice, and explain how various actors construct legal legitimacy within the context of Indonesia's diverse society.

Result and Discussion

The Dialectic Between Islamic Law, Customary Law, and State Law

Islamic law cannot be understood as a single, rigid normative system, but rather as a set of values and principles that are continually reinterpreted through its interaction with customary law, as an expression of local wisdom, and with state law, as a formal system possessing regulatory and coercive power. This relationship forms a dynamic dialectical arena in which legitimacy, authority, and legal practice are produced through a continuous process of normative negotiation at the levels of the individual, the community, and the institution.

Within the theoretical framework of legal pluralism, the existence of more than one legal system within a single social space creates conditions in which individuals and groups have access to various sources of norms that can be utilised strategically in

¹¹ Satish Prakash Chand, "Methods of Data Collection in Qualitative Research: Interviews, Focus Groups, Observations, and Document Analysis," *Advances in Educational Research and Evaluation* 6, no. 1 (2025): 303-17, <https://doi.org/10.25082/AERE.2025.01.001>.

accordance with their interests and the contexts they face. Islamic law, as a revelation-based system, possesses strong religious legitimacy, whilst customary law is rooted in historically tested social practices, and state law offers certainty through formal mechanisms. The interaction of these three produces a complex legal configuration in which the boundaries between normativity and practice become fluid. In the Indonesian context, this legal pluralism is not only recognised sociologically but also has a constitutional basis, as reflected in the recognition of customary law and the institutionalisation of Islamic law through religious courts. However, this recognition does not automatically eliminate the potential for conflict, as each legal system possesses distinct internal logics and bases of legitimacy.

One central issue in this dialectic is the tension between sharia norms and local customs, which often takes the form of a tug-of-war between the universality of Islamic law and the particularity of local culture. In many communities, customary law functions as a medium for translating sharia values into practices suited to the local context, thereby producing hybrid forms of law.¹² This phenomenon demonstrates that Islamic law is flexible enough to adapt to various social conditions, provided it does not conflict with the fundamental principles deemed essential. However, in certain situations, differing interpretations of values such as justice, equality, and individual rights can give rise to conflict between Islamic law and customary law. For example, in inheritance distribution or gender roles within the family, there are significant variations between the normative provisions of *fiqh* and customary practices across different regions.¹³ These conflicts do not always result in the dominance of one legal system over the other. Rather, they are often resolved through negotiation mechanisms involving social actors such as religious figures, customary leaders, and state officials.

The concept of living law is crucial for understanding how law is actually implemented in society, as it highlights that effective law is not merely that which is written in regulations, but that which is internalised and practised by the community.¹⁴ In this context, Islamic law, customary law, and state law are not always applied in their pure forms, but rather in combinations adapted to practical needs. Communities often select the legal norms they deem most relevant or beneficial, thereby creating situational legal practices. This phenomenon demonstrates that law is not a static entity, but rather the result of dynamic social interaction.

The role of formal institutions such as religious courts is crucial in accommodating legal pluralism, as these institutions sit at the intersection of Islamic law and state law. Religious courts function not only as enforcers of the law but also as mediators who must take into account the community's social and cultural values in every ruling. In practice, judges often face a dilemma between applying legal norms literally and considering the broader social context. This demands a high level of interpretative skill as well as sensitivity to societal dynamics. In many cases, religious court rulings reflect an effort to integrate various legal systems through a pragmatic and contextual approach.

¹² 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>; 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>.

¹³ Maulana Hayatullah et al., "Implementation of Gender Equality Principles in Religious Court Decisions Related to Divorce," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 36–51, <https://doi.org/10.65586/ingefal.v1i1.3>.

¹⁴ 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>; Suud Sarim Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings," *Justicia Islamica* 20, no. 2 (2023): 214–40, <https://doi.org/10.21154/justicia.v20i2.6478>.

This dialectic is also influenced by external factors such as globalisation, modernisation, and the development of human rights discourse, which expand the scope of interaction between various legal systems.¹⁵ Globalisation brings new values that can influence the interpretation of Islamic and customary law, particularly in issues such as gender equality, children's rights, and individual freedom.¹⁶ In this context, state law often acts as a mediator attempting to balance global demands with local values. However, this process does not always run smoothly, as it can provoke resistance from groups who feel that these values conflict with tradition or religious teachings. Consequently, the legal dialectic does not occur solely at the local level but is also influenced by broader global dynamics.

The dimension of power also plays a significant role in determining the direction of the dialectic between Islamic law, customary law, and the state. State law holds an advantage in terms of formal legitimacy and the ability to enforce compliance through law enforcement agencies, whilst Islamic law and customary law possess strength in moral and cultural legitimacy. This power dynamic influences how laws are negotiated and applied in practice. In some cases, state law may dominate and override customary law or Islamic law, particularly when supported by specific political or economic interests. Conversely, in contexts where social legitimacy is stronger, customary law or Islamic law may serve as the community's primary reference, even if it conflicts with state law.

Social dynamics such as urbanisation, migration, and changes in economic structure also influence the form and direction of legal dialectics. In increasingly heterogeneous societies, interactions among various legal systems intensify, thereby opening space for the emergence of new, more flexible and adaptive forms of law. For example, within the Islamic economy,¹⁷ principles of Islamic law are adapted to meet the needs of modern economic systems, resulting in innovations that reflect a blend of religious values and market logic. This demonstrates that Islamic law adapts not only to customary and state law, but also to broader social changes.

In everyday practice, individuals and social groups play an active role in navigating legal pluralism through specific strategies, such as choosing the most advantageous legal system or combining various norms to achieve specific goals. This phenomenon demonstrates that society is not a passive object of the legal system but rather an agent capable of influencing and shaping legal practice. Thus, the dialectic of law occurs not only at the structural level but also at the level of agency, where individuals and groups play a crucial role in shaping the direction of interaction among various legal systems.

The Role of Social Agents in the Process of Negotiating Islamic Law

Ulama are key actors in the production, reproduction and transformation of Islamic legal knowledge, as they possess epistemic authority built upon their mastery of the

¹⁵ 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>; Suud Sarim Karimullah, "Humanity and Justice: Exploring Human Rights in the Context of Islamic Law," *TAJ DID* | 30, no. 2 (2023): 166–87, <https://doi.org/10.36667/tajdid.v30i1.1497>; Ihyani Malik et al., "Gender Analysis in the Islamic Law-Based Ecofeminism Movement for Ecosystem Protection," *El-Mashlahah* 15, no. 1 (2025): 101–24, <https://doi.org/10.23971/el-mashlahah.v15i1.9040>.

¹⁶ 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), <https://journal.mahkotascience.org/index.php/insani/article/view/1>.

¹⁷ Zikri Rahmani et al., "Implementation of Sharia Economic Principles in the Globalization Era," *ASY SYAR'ITYAH: JURNAL ILMU SYARIAH DAN PERBANKAN ISLAM* 8, no. 2 (2023): 185–200, <https://doi.org/10.32923/asy.v8i2.3516>.

Qur'an, hadith, *usul al-fiqh*, *fiqh* principles, and the Islamic intellectual tradition that has developed over the centuries. From a sociological perspective of law, this authority stems not only from scholarly capacity but also from the social legitimacy conferred by society as the holders of the authority to explain, interpret and apply religious norms in everyday life.¹⁸ Pierre Bourdieu explains that this kind of authority constitutes a form of symbolic capital that enables an individual to gain recognition and influence within a social field. Consequently, ulama are not merely conveyors of religious teachings, but also producers of legal meaning who are constantly engaging with social, political, economic and cultural dynamics.

In practice, the authority of ulama is never monolithic. Differences in educational background, schools of thought, religious organisations, social experience and even political orientation result in a diversity of interpretations of Islamic law, demonstrating that the law is a social construct that is always open to negotiation.¹⁹ In Indonesia, for example, the diversity of views within Nahdlatul Ulama, Muhammadiyah, Persatuan Islam, and various other fatwa institutions demonstrates that the process of deriving Islamic law does not take place in a homogeneous space, but is influenced by an ever-changing social context.

A similar phenomenon is also observed in Malaysia through the differing approaches taken by federal and state-level religious authorities in issuing fatwas. Meanwhile, in Egypt, the Dar al-Ifta and Al-Azhar University often adopt a more moderate approach compared to certain religious groups that prioritise textual interpretation.²⁰ In Morocco, the 2004 reform of the *Mudawwanah* illustrates how religious authorities collaborate with the state to reinterpret family law, whilst maintaining the legitimacy of sharia and accommodating the principle of gender equality.²¹ These various experiences demonstrate that the legitimacy of religious scholars is determined not only by the depth of their mastery of the texts, but also by their ability to establish a connection between religious norms and the needs of contemporary society.

This diversity of interpretative orientations reflects an epistemological contest between textual and contextual approaches to understanding Islamic law. Textualist groups tend to regard the nash as the primary source that must be applied literally, with limited scope for interpretation, whilst contextualist groups view the *maqāsid al-sharī'ah*, the public interest, social change and scientific developments as key variables in the process of *ijtihad*.²² These differences demonstrate that Islamic law evolves through an ongoing dialogue between the text and social reality. Sally Falk Moore, through her concept of the 'Semi-Autonomous Social Field', explains that every community has the

¹⁸ Rizal Al Hamid, Arif Sugitanata, and Suud Sarim Karimullah, "Sinkronisasi Pendekatan Sosiologis Dengan Penemuan Hukum Islam Sui Generis Kum Empiris," *Bertuah Jurnal Syariah Dan Ekonomi Islam* 4, no. 1 (2023): 48–60, <https://doi.org/https://doi.org/10.56633/jsie.v4i1.553>.

¹⁹ Danu Aris Setiyanto, "Poligami Dalam Perspektif Filsafat Hukum Islam (Kritik Terhadap Hukum Perkawinan Di Indonesia)," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 10, no. 1 (2017): 49, <https://doi.org/10.14421/ahwal.2017.10105>.

²⁰ Mohamed Mohamed, "Selling God: Al-Azhar, UAE and Transnational Transferability of Religious Capital," *British Journal of Middle Eastern Studies* 52, no. 5 (2025): 1173–92, <https://doi.org/10.1080/13530194.2024.2410209>.

²¹ Ahmad Ash Shiddieqy et al., "Integrating Islamic Family Law and Gender Equality: A Comparative Study of Legal Reform and Social Norms in Contemporary Indonesia and Morocco," *Legitima: Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 165–90, <https://doi.org/10.33367/legitima.v7i2.7101>; Suud Sarim Karimullah et al., "Rethinking Gender In Islamic Law," *Musāwa Jurnal Studi Gender Dan Islam* 23, no. 1 (2024): 99–113, <https://doi.org/10.14421/musawa.2024.223.99-113>.

²² Eka Sutisna et al., "Artificial Intelligence and Ethical Ijtihad in the Production of Islamic Knowledge," *Jurnal Lentera Insani* 1, no. 2 (2025): 111–25, <https://doi.org/10.65586/jli.v1i2.26>; Zumiyati Ibrahim et al., "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 23, no. 1 (2025): 105–44, <https://doi.org/10.28918/jhi.v23i1.04>.

capacity to generate internal rules whilst simultaneously interacting with the wider legal system.

In the context of Muslim societies, this process is evident when scholars adapt Islamic legal norms to economic changes, developments in Islamic finance, environmental issues, bioethics, and women's rights. In Saudi Arabia, for example, several social policies in recent years have reinterpreted certain legal practices previously considered immutable, including the expansion of women's participation in the public sphere.²³ In the United Arab Emirates, various new regulations concerning international business transactions demonstrate that Islamic law continues to be adapted to respond to global economic needs without losing its normative foundation.²⁴ This shows that interpretative flexibility is an inherent characteristic of Islamic law's development, rather than a deviation from tradition.

Alongside ulama, traditional leaders also play a no less important role in shaping the practice of Islamic law within multicultural societies. In many local communities, traditional leaders act as a bridge between religious norms and cultural values that were deeply rooted before the arrival of Islam. Indonesia provides a very clear example of this relationship through various local principles such as '*adat basandi syarak, syarak basandi Kitabullah*' in Minangkabau, the integration of customary law and sharia in Aceh, and the practice of customary deliberation in various regions of Kalimantan, Sulawesi and Nusa Tenggara. Traditional leaders derive their legitimacy from their close social ties with the community and their understanding of local cultural characteristics, enabling them to translate sharia principles into practices that are more readily accepted by the community.

From Eugen Ehrlich's perspective, this situation demonstrates the existence of living law, that is, law that lives within society and derives its authority not solely from the state, but from social recognition.²⁵ A similar phenomenon is also observed in northern Nigeria, where the application of sharia must interact with the customary law of the Hausa-Fulani people, and in India, where Muslim communities practise Islamic personal law alongside a pluralistic national legal system.²⁶ In these various countries, the effectiveness of the law is greatly influenced by the ability of local leaders to strike a balance between religious norms, cultural values and the interests of the community.

Academics then emerge as reflective agents who broaden the horizons of Islamic legal thought through a systematic, critical and interdisciplinary scientific approach. Unlike religious scholars, who operate primarily within the normative sphere, academics develop the study of Islamic law through the perspectives of history, anthropology, sociology, economics, political science and human rights.²⁷ The knowledge produced by universities and research institutions makes a significant contribution to enriching the discourse on Islamic law, ensuring that it does not merely

²³ Mohammad Omar Alhejaili, "From Law to Social Change: Examining the Behavioural Effects of Legal Reforms in Saudi Arabia," *Humanities and Social Sciences Communications* 12, no. 1 (2025): 1953, <https://doi.org/10.1057/s41599-025-06225-5>.

²⁴ Istanah Zainal Asyiqin, "Islamic Economic Law in the Digital Age: Navigating Global Challenges and Legal Adaptations," *Media Iuris* 8, no. 1 (2025), <https://doi.org/10.20473/mi.v8i1.61800>.

²⁵ Franz Leander Fillafer, "Imperial Diversity, Fractured Sovereignty, and Legal Universals: Hans Kelsen and Eugen Ehrlich in Their Habsburg Context," *Modern Intellectual History* 19, no. 2 (2022): 421-43, <https://doi.org/10.1017/S1479244320000542>.

²⁶ Olufunmilayo B Arewa, "Identity, Inequality, and Colonial Overhang: Law and Continuing Legacies of Divide and Rule in Nigeria," in *Ethnicity, Inequality, and Economic Development in Sub-Saharan Africa* (Routledge, n.d.), 280-304, <https://doi.org/10.4324/9781003357025-14>.

²⁷ Qadriani Arifuddin, Asep Saifuddin, and Noorhani Dyani Laksmi, "Islamic Law in Contemporary Indonesian Local Political Culture," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 162-77, <https://doi.org/10.65586/insani.v1i2.47>.

reproduce classical views but also generates new formulations more relevant to the development of modern society.

In Indonesia, the development of Islamic legal studies at various religious universities has yielded research on Islamic economics, family mediation, productive zakat, Islamic fintech, and issues concerning the protection of women and children.²⁸ In Turkey, various universities are developing the study of Islamic law within the framework of a secular state, thereby producing a model of the relationship between religion and the state that differs from that of countries in the Middle East. Meanwhile, in the United Kingdom and the United States, centres for Islamic studies are developing comparative approaches that bring together Islamic legal traditions with modern legal theory, legal pluralism, and constitutional democracy.²⁹ This production of knowledge demonstrates that the development of Islamic law is increasingly influenced by a global epistemic community, which facilitates a more intensive exchange of ideas across national borders.

The state occupies a strategic position as the formal institution that regulates the scope of application of Islamic law through policy, legislation and the judiciary. From Max Weber's perspective, the state is the holder of legal-rational authority, possessing the legitimacy to regulate society through the apparatus of positive law.³⁰ However, within the context of a plural Muslim society, the state acts not only as a regulator but also as a mediator of various interacting interests. Indonesia exemplifies a relatively moderate model through the existence of religious courts, which have jurisdiction over matters of marriage, inheritance, waqf, zakat and Islamic finance.³¹

Data from the Supreme Court indicates that religious courts handle hundreds of thousands of cases each year, predominantly involving divorce and family disputes, reflecting the public's high level of trust in these institutions. In Malaysia, the Sharia court system is more extensively developed, with varying jurisdictions across each state,³² whilst in Pakistan, Islamic law forms an integral part of the national legislative system through the Federal Shariat Court.³³ Conversely, Tunisia has developed a more progressive model of family law reform by granting greater scope to the principle of gender equality.³⁴ These differences demonstrate that the political history, constitutional

²⁸ Nurmu'izzatin Zaharatul Parhi et al., "Tension between Islamic Law and Human Rights in Child Marriage Cases in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 96-110, <https://journal.mahkotascience.org/index.php/insani/article/view/3>.

²⁹ Hafiz Falak Shair Faizi and Hafiz Sfarish Ali, "The Core Principles of Islamic Jurisprudence within Legal Theory: A Comprehensive Analysis," *Online Journal of Research in Islamic Studies* 11, no. 2 (2024): 57-72, <https://doi.org/10.22452/ris.vol11no2.4>.

³⁰ Oluwagbenga Michael Akinlabi, "Understanding Legitimacy in Weber's Perspectives and in Contemporary Society," in *Police-Citizen Relations in Nigeria: Procedural Justice, Legitimacy, and Law-Abiding Behaviour* (Springer, 2022), 11-24, https://doi.org/10.1007/978-3-030-92919-0_2.

³¹ Moh Ainul Muttaqin et al., "The Dynamics of the Relationship between Islamic Law and Customary Law in Inheritance Disputes in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 80-95, <https://doi.org/https://journal.mahkotascience.org/index.php/insani/article/view/6>; Zainal Arifin et al., "Transformation of Productive Zakat for the Empowerment of Urban Poor Families," *Jurnal Pelita Raya* 1, no. 2 (2025): 137-51, <https://doi.org/10.65586/jpr.v1i2.23>; Mu'adil Faizin et al., "Development of Zakat Distribution in the Disturbance Era," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 10, no. 2 (2024): 186-97, <https://doi.org/10.29300/mzn.v10i2.2997>.

³² Raihan Azzahra and Farid Sufian Shuaib, "Religious Courts in Indonesia and Malaysia: History, Structure, and Jurisdiction," *Indonesian Comparative Law Review* 4, no. 2 (2022): 115-30, <https://doi.org/10.18196/iclr.v4i2.15911>.

³³ Muhammad Munir, "The Role of Shari 'a in the Legal System of Pakistan," *Available at SSRN 4010134*, 2022, <https://doi.org/10.2139/ssrn.4010134>.

³⁴ Doni Azhari and Asmuni Asmuni, "Gender Equality in the Political Reform of Islamic Family Law in Contemporary Muslim Countries," *USRATY: Journal of Islamic Family Law* 3, no. 1 (2025): 87-99, <https://doi.org/10.30983/usraty.v3i1.8721>.

systems, and the character of society in each country heavily influence the institutionalisation of Islamic law.

The contestation between conservative and progressive groups is a logical consequence of the dynamics of knowledge production within Islamic law. Conservative groups tend to uphold classical interpretations as a means of safeguarding the authenticity of religious teachings, whilst progressive groups seek to develop approaches that are more responsive to social change. Debates concerning women's leadership, minority rights, child protection, Islamic banking and reproductive technologies are examples of how both groups build legitimacy through religious arguments, scientific rationality and the mobilisation of public support.³⁵ From Michel Foucault's perspective, the relationship between knowledge and power illustrates that every legal interpretation is, in essence, a discursive practice linked to the production of power. Consequently, no legal interpretation is entirely neutral, as every interpretation is invariably influenced by the interests, institutions and social relations that surround it.

Developments in education, Islamic organisations and digital media have increasingly expanded the scope for the negotiation of Islamic law in the era of globalisation. Indonesia has more than forty thousand pesantren, tens of thousands of madrasahs, and thousands of higher education institutions that serve as centres for the transmission of Islamic knowledge. Malaysia, Egypt, Pakistan and Morocco have also developed networks of Islamic education that function as spaces for the reproduction of religious authority. On the other hand, the development of the internet has transformed the patterns of distribution of this authority.

The Global Digital Report indicates that more than two-thirds of the world's population is now connected to the internet, whilst Indonesia's internet penetration rate has exceeded 70 per cent of the population. This situation enables the public to access fatwas, sermons and discussions on Islamic law directly via digital media without being entirely dependent on local authorities. A similar phenomenon is also occurring in the United Kingdom, the United States and the Gulf states, where social media has become a new arena for religious scholars, academics, religious organisations and the public to produce and exchange discourse on Islamic law. Religious authority is therefore no longer determined solely by institutional position, but also by the ability to build credibility, digital networks and effective public communication.³⁶

These dynamics demonstrate that the negotiation of Islamic law is, in essence, a social process involving complex interactions between religious scholars, traditional leaders, academics, the state, civil society organisations, the media, and local communities in establishing legal legitimacy. Islamic law does not develop as a closed normative system, but rather as a social construct that is continually reproduced through dialogue between texts, contexts, and the interests of various actors.³⁷ Social changes resulting from urbanisation, globalisation, migration, digitalisation, and increased access to education have broadened the scope of interpretation, meaning that religious authority increasingly depends on the ability to construct arguments that are scholarly,

³⁵ Ahmed Abdel Fattah et al., "Negotiating Women's Reproductive Rights Within the Framework of Islamic Law," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 178-93, <https://doi.org/10.65586/insani.v1i2.57>; 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://journal.mahkotascience.org/index.php/jpr/article/view/11>.

³⁶ Shaheen Amid Whyte, "Islamic Religious Authority in Cyberspace: A Qualitative Study of Muslim Religious Actors in Australia," *Religions* 13, no. 1 (2022): 69, <https://doi.org/10.3390/rel13010069>.

³⁷ 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>.

contextual, and responsive to the needs of society. Consequently, the sustainability of Islamic law in a multicultural society is determined not only by consistency with normative sources, but also by the capacity of all social agents to engage in negotiations that are inclusive, adaptive and oriented towards substantive justice amidst ongoing social change.

The Transformation of Islamic Legal Practice in Multicultural Life

Islamic law cannot be understood as a fixed, ahistorical set of rules, but rather as a social practice that is constantly transforming through the negotiation between the principles of sharia and the surrounding cultural, political, and economic contexts. Indonesia, as a social space inhabited by diverse ethnic, religious, and cultural groups, presents a context in which Islamic law must confront the reality of heterogeneity, thereby fostering various forms of adaptation that ensure the continuity of Islamic values whilst maintaining social cohesion. This process demonstrates that Islamic law does not lose its normative authority but rather gains new relevance by adapting to complex social changes.

In the practice of marriage, the transformation of Islamic law is evident in the reinterpretation of classical fiqh norms to align with society's diverse social conditions. Marriage is understood not only as a religious institution but also as a social institution governed by multiple legal systems simultaneously, including state law and customary law³⁸. In the Indonesian context, state regulation through marriage legislation has provided a formal framework that accommodates the principles of Islamic law whilst simultaneously establishing certain boundaries for the protection of individual rights and the public interest. On the other hand, customary practices in various regions also influence the conduct of marriage, such as ceremonies, dowries, and family relations.

In Minangkabau society, for example, the matrilineal system lends a distinct character to marriage practices, where women hold a more dominant role within the family structure, thereby influencing the interpretation of Islamic legal concepts such as the guardian (*wali*) and maintenance (*nafkah*).³⁹ In Java, marriage practices often combine Islamic elements with local traditions rich in cultural symbolism, whilst in Bugis, the value of *siri'* and social structures influence the dynamics of relationships within marriage.⁴⁰ These variations demonstrate that Islamic law in marriage practices is not homogeneous, but rather adapts to local contexts.

In the field of inheritance, the transformation of Islamic law also reveals complex dynamics, particularly when the principles of asset distribution under Islamic law confront kinship systems and notions of justice that have developed within society. In Minangkabau society, for example, the matrilineal customary inheritance system often coexists with the bilateral Islamic inheritance law.⁴¹ In practice, communities negotiate between these two systems by distinguishing between high-value ancestral property, which is inherited according to custom, and low-value ancestral property, which can be divided according to Islamic law. This pattern reflects a compromise that allows both legal systems to coexist without negating one another.

³⁸ Kurniawan et al., "Political Analysis of Islamic Law on the Regulation of Interfaith Marriage in Indonesia."

³⁹ Rizqa Febry Ayu et al., "Legal Analysis of the Position of Women as Heads of Households in National Law," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 52-68, <https://doi.org/10.65586/ingefal.v1i1.4>.

⁴⁰ Suyuti Dahlan Rifa'i et al., "Reformulation of Marriage Law Based on a Gender Justice Perspective," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 69-85, <https://doi.org/10.65586/ingefal.v1i1.5>.

⁴¹ Muttaqin et al., "The Dynamics of the Relationship between Islamic Law and Customary Law in Inheritance Disputes in Indonesia."

In other regions, such as Java and Bugis, inheritance practices also demonstrate flexibility, where principles of justice and family agreement are often the primary considerations in determining the distribution of assets, whilst still referring to Islamic norms. This indicates that Islamic inheritance law is not applied mechanically, but through an interpretive process that takes into account social context and family relationships.

The transformation of Islamic legal practices is also evident in the development of the Islamic economy, one of the fields where adaptation to modern values is taking place intensively. Islamic finance not only seeks to apply the fundamental principles of Islamic law, such as the prohibition of usury and fairness in transactions, but must also interact with the complex global economic system.⁴² In this context, various innovations have emerged that combine sharia principles with modern economic mechanisms, such as Islamic banking, Islamic insurance, and Islamic capital markets.⁴³

This transformation demonstrates that Islamic law can adapt to changing times without losing its normative essence. However, this process has also sparked debate amongst scholars and practitioners, particularly regarding the extent to which such adaptation can be undertaken without violating the fundamental principles of sharia. This contestation indicates that the transformation of Islamic law is not merely technical in nature, but also involves ideological and epistemological dimensions.

The adaptation of Islamic law to modern values such as human rights, gender equality, and democracy is crucial to understanding the transformation of legal practice within multicultural societies.⁴⁴ These values are often viewed as products of modernity originating from Western traditions. In practice, many Muslim thinkers strive to integrate them into the framework of Islamic law by reinterpreting normative sources. For instance, the concept of justice in Islam can serve as a basis for supporting the principle of gender equality,⁴⁵ whilst the principle of consultation (*mushāwarah*) can be linked to the concept of democracy.

In the Indonesian context, this adaptation is evident in various legal policies and practices that seek to accommodate these values, such as the protection of women's rights in marriage and divorce, and the recognition of minority rights.⁴⁶ However, this process does not always run smoothly, as there is resistance from groups who consider these values to be contrary to Islamic teachings. Consequently, the transformation of Islamic law in this context results from complex negotiations between various interests and perspectives.

Local case studies, such as those from Minangkabau, Java, and Bugis, provide concrete examples of how Islamic law interacts with local culture to shape contextual

⁴² 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>; Haerunnisa Haerunnisa, Arif Sugitanata, and Suud Sarim Karimullah, "Analisis Strukturalisme Terhadap Peran Katalisator Instrumen Keuangan Syariah Dalam Mendorong Pembangunan Berkelanjutan Dan Tanggung Jawab Sosial," *Al-'Aqdu: Journal of Islamic Economics Law* 3, no. 2 (2023): 124–34, <https://doi.org/10.30984/ajiel.v3i2.2853>.

⁴³ Maharatna Shifa Nurizka et al., "Criticism of the Neoclassical Approach in Islamic Economic Policy in Indonesia," *Jurnal Pelita Raya* 1, no. 1 (2025): 17–30, <https://journal.mahkotascience.org/index.php/jpr/article/view/9>.

⁴⁴ Mahrus Alwi Hasan Siregar, Abdeldzhalil Abdeldzhalil, and M Hamim, "Reconstructing the Concept of Gender Justice in Indonesia's Family Law System Based on Constitutional Values," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 1–18, <https://doi.org/10.65586/ingefal.v1i1.1>; Zumiyyati Sanu Ibrahim et al., "Islamic Law and Human Rights: Convergence or Conflict?," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 431–48, <https://doi.org/10.19109/nurani.v24i2.19595>.

⁴⁵ Suud Sarim Karimullah, "Gender Issues in Islamic Law and Their Implications for Human Rights," *Mutawasith: Jurnal Hukum Islam* 9, no. 1 (2026): 82–97, <https://doi.org/10.47971/mjhi.v9i1.1091>.

⁴⁶ Hijriatu Sakinah et al., "Legal Policy on Women's Protection in the National Family Law System," *Indonesian Journal of Gender Justice and Family Law* 1, no. 1 (2026): 19–35, <https://doi.org/10.65586/ingefal.v1i1.2>.

legal practices. In Minangkabau, the integration of *adat* (customary law) and sharia has produced a unique legal system, in which the two complement one another in regulating social life. In Java, cultural syncretism has produced a blend of religious practices that combines Islamic elements with local traditions, leading to flexible legal interpretations. Meanwhile, in Bugis, cultural values such as *siri'* and *pesse* play a significant role in determining social norms, including in legal practice. These three examples demonstrate that the transformation of Islamic law cannot be separated from its cultural context, as culture functions as a medium that influences how the law is understood and applied.

From a sociological perspective, this transformation can be understood as a process of social construction in which the law is produced not only by formal institutions but also by the everyday practices of society.⁴⁷ Islamic law, as a living law, continues to undergo change in tandem with social change, and thus cannot be separated from the context of the society in which it exists. Social agents such as ulama, traditional leaders, and the state play a vital role in this process, as they possess the authority to interpret and implement the law. However, society also plays an active role in determining how the law is applied through the practices it carries out in its daily life.

The transformation of Islamic legal practices also reveals power relations that influence the direction of legal change. Groups with access to resources, such as education, the media, and political institutions, exert greater influence in determining the dominant legal interpretations. In this context, legal transformation not only reflects social change but is also the result of contestation between various groups with differing interests. Therefore, an analysis of the transformation of Islamic law must take into account power as a factor determining the direction and form of change.

Conclusion

The application of Islamic law in the social practices of Indonesia's multicultural society takes place through a dynamic process of negotiation between religious norms, customary law, and state law, thereby shaping legal practices that are contextual, adaptive, and multi-layered, in accordance with the social, cultural, and institutional characteristics of each community. This process is mediated by various actors, such as religious scholars, traditional leaders, state officials and the general public, who possess differing levels of authority, interests and capacity in establishing legal legitimacy amidst the reality of pluralism. These findings reinforce the perspectives of legal pluralism and living law by demonstrating that the transformation of Islamic law is influenced not only by the existence of various legal systems, but also by the ongoing process of normative negotiation within the social sphere.

This study offers a novel contribution through an integrative analytical framework that links the normative, cultural, institutional and agency dimensions as a unified whole to explain the dynamics of the application of Islamic law. Theoretically, these findings advance a more contextual socio-legal approach, whilst in practical terms they provide a foundation for strengthening the role of social mediators in managing legal diversity and promoting the formulation of policies that are more inclusive and responsive to the plurality of values. Nevertheless, this study still has limitations in its empirical scope, which does not yet fully represent local diversity, nor has it explored the dynamics of power relations at the micro-level in depth. Therefore, future research should develop cross-regional comparative studies and more in-depth ethnographic

⁴⁷ Arief Fahmi Lubis et al., "The Culture of Nepotism in Bureaucratic Recruitment Through Legal Sociology Analysis," *Jurnal Pelita Raya* 2, no. 1 (2026): 16–29, <https://doi.org/10.65586/jpr.v2i1.59>.

approaches to provide a more comprehensive understanding of the interaction between Islamic law and ever-evolving social reality, and to support legal practices that are more reflective, dialogical, and oriented towards substantive justice.

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