



The Implementation of Islamic Law and Cultural Norms in the Socio-Political Landscape of Indonesia

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ABSTRACT

This article examines the intricate relationship between Islam, politics, and culture in influencing daily life in many regions of Indonesia, under the overarching context of the nation-state. It classifies the relationship between Islam and the state under three paradigms: interplanetary, secular, and symbiotic. These paradigms exhibit variation between provinces, illustrating distinct historical, political, and cultural circumstances. The Indonesian constitution technically enforces Islamic law alone in Aceh, although three principal orientations of Islamic law are present throughout the nation: Islam as a political philosophy, as a moral-ethical framework, and a moderate model that integrates formal implementation with ethical influence beyond state legislation. The research utilizes a qualitative, literature-based approach, integrating information from academic publications, journals, and historical documents. It indicates that differences in daily Islamic practices are influenced by regional histories, colonial legacies, local governance, and socio-political dynamics. These circumstances impede the establishment of a cohesive Islamic identity throughout Indonesia, a predominantly Muslim nation. The research highlights that the connection between Islam and the state in Indonesia is dynamic and adapts to changing political and societal conditions.

1. Introduction

A study of the relationship with the application of Islamic law in Indonesia, this cannot be separated from the various paradigms that have influenced the socio-culture of society in each region in Indonesia. History proves that Indonesia is a large country, formed as a result of the unification of previously small countries that already have their own cultural characteristics. So that the application of Islamic law in Indonesia can be influenced by several paradigms, including the integralist paradigm, the secular paradigm and the symbiotic paradigm. This study will review the background of the paradigm that has become the culture of the Indonesian people in practicing Islamic law every day. This paper analyses Islamic law and the involvement of the state in providing regulations for the

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comfort of its people, who are also the population with the largest Muslim religion in the world. In a study of Islam and the state in Indonesia, for example, it was concluded that the relationship between Islam and the state is symbiotic. This can be seen from the position of Islam which is not the basis of the state, but is a source of values and laws that influence the administration of the state. Indonesia is neither an Islamic state nor a secular state that prohibits religion from being involved in public affairs. The state philosophy of Pancasila is a form of compromise between the idea of an Islamic state and a secular state.

Müller, Dominik, (2018) Meanwhile, in Pakistan, the relationship between Islam and the state is integralistic. Pakistan makes Islam the basis of the state and establishes the republic as an Islamic state (Arskal Salim, 2003). Meanwhile, Egypt also makes Islam the official state religion and places Islamic law as one of the positive laws, but Egypt is basically a democratic socialist state. Although it calls itself a democratic country, until the Arab Spring revolution in 2010 Egypt could not yet be fully called a democratic country (Dye, 1976).

This study will analyze the relationship between the practice of Islamic law and the regulations provided by the Indonesian state. Among them is that Islamic law in Indonesia is an absolute integralist thing that views Islam and politics as inseparable *ad-din waddaulah* (Abdullah, 2020). Islam and the state are united and inseparable. Although Indonesia does not translate it in the form of placing Islam as the basis of the state, because the formal implementation of Islamic law only exists in the government of some provinces in the national legal system. This integral paradigm does not allow Islamic law to only be a source of law together with other sources of law (Rizwan, Abdullah, & Faisal, 2023).

Second, the secularist paradigm that separates Islam and the state completely. Islam and the state are two different entities so that they cannot be united in one political forum. Public life and state law cannot be regulated by religion, but must be regulated by an agreement based on secular values of freedom. This paradigm rejects the formalization of Islamic law and places religion as a personal matter. The state does not take care of religion and religion does not take care of the state. Third, the symbiotic paradigm that sees that Islam and the state need each other. The relationship between Islam and the state is reciprocal. The state absorbs religious values and religion strengthens the state. This relationship is shown in the form of placing religion as a religion recognized by the state and religious law is taken as one of the sources of positive law. The state provides space and encourages the growth of religion, but religion does not become the basis of the state (Hartati, 2024).

2. Methodology

The research is qualitative research with a literature review technique. The method used is library research, data collection by searching for sources and reconstructing from various sources such as books, journals, and existing research. The result is that qualitative research is carried out with a research design whose findings are not obtained through statistical procedures or in the form of calculations. The data sources used in this research were taken from the googlescholar search engine and a collection of articles in jstor.org which can be accessed online. The data is then sorted

thematically to help the author find a paradigmatic classification of the relationship between Islam and the state at the implementation level in various Muslim countries (Salsabilah & Maheswara, 2021).

3. Results

Indonesia is a country with amazing cultural diversity, is also known to have a majority of its population who are Muslim. Islamic law, as a guide for the lives of Muslims, has a significant influence on various aspects of life in this country. However, how is Islamic law actually implemented in Indonesia and this has had an impact on the daily lives of the Indonesian people (Mabrur, 2013).

In recent years, there has been talk of a stricter implementation of Islamic law in Indonesia. However, it is important to remember that Indonesia was founded as a state based on Pancasila, which respects religious freedom and upholds the principle of diversity. Therefore, the implementation of Islamic law in question is not the same system as that found in countries with full Islamic law governments. However, in several regions in Indonesia, there have been initiatives to increase the implementation of Islamic law in the daily lives of local communities. This is reflected in various regulations implemented at the local level, such as the prohibition of alcohol, the separation of male and female seats on public transportation, and the prohibition of gambling.

Efforts to implement Islamic law are often based on good intentions to maintain moral and ethical values in society. However, at the same time, it is also necessary to ensure that this implementation does not violate the principles of democracy and human rights. As time goes by, there is a tendency that the stricter implementation of Islamic law has an impact on people's lifestyles and culture. Many entertainment venues or businesses are closed or banned because they are considered not in accordance with religious principles. However, on the other hand, there is also the emergence of a rapidly growing halal industry, providing food, drinks, and other products that are in accordance with Islamic law.

The implementation of Islamic law also has an impact on the judicial system in Indonesia. As the desire to implement Islamic law increases, Religious Courts have been established as authorities to handle personal cases according to Islamic law. This provides legal certainty for Muslims in resolving civil religious issues (Muhammad Al Faruq, 2018)

Ultimately, the implementation of Islamic law in Indonesia remains an interesting topic to discuss. As a country with the largest Muslim majority in the world, debates and discussions about this will never end. It is important for us to continue to pay attention to how the implementation of Islamic law in Indonesia is going, by ensuring that the values of democracy, human rights, and tolerance remain an unshakable foundation (Putra, 2018).

3.1 Indonesian State Ideology and Implementation of Islamic Law

Indonesia, as the country with the largest Muslim population in the world, has implemented various principles of Islamic law in various aspects of life. Although Indonesia is officially a secular state with the Pancasila state ideology, the influence of Islam can be seen in the legal system, social order, and daily activities of society (Ahmad Tadjudin, 2020).

The legal system in Indonesia is based on national law that includes various sources of law, including customary law, Dutch colonial law, and religious values reflected in Islamic law. Although there are no formal sharia courts in Indonesia, several provinces, such as Aceh, have special autonomy to implement Islamic law in several aspects of law, such as criminal law and family justice (Science, 2024). The implementation of Islamic law in the Indonesian legal system can also be seen in laws governing marriage, divorce, and inheritance. For example, the Marriage Law in Indonesia regulates marriage based on religion and allows Indonesian citizens to marry according to sharia.

3.2. State Ideology

Pancasila is an ideology that represents justice and equality for all Indonesian citizens, regardless of religion. The implementation of Islamic law in Indonesia does not directly contradict Pancasila, the foundation of the Indonesian state. Pancasila is the basis of moral values for all Indonesian citizens, which respects cultural, religious, and ethnic diversity. While the implementation of Islamic law is present in for muslim culture in Indonesia, the country also upholds the principles of Pancasila that promote tolerance, harmony, and equality (Najib, 2017).

The diversity of religions and cultures in Indonesia has been a strength in building national unity. Therefore, it is important to continue to promote interfaith dialogue and respect individual rights within the existing legal framework to maintain the diversity and unity that are Indonesia's identity (Adhani, 2019).

The Indonesian constitution has only ever provided for Islamic sharia under Aceh Government Law No. 11 of 2006. After the Peace Agreement (MoU) in Helsinki on August 15, 2005, a regulation was passed in the form of Law Number 11 of 2006 concerning the Government of Aceh (Deyis & Azizi, 2021). This law is a replacement for Law Number 18 of 2001 concerning Special Autonomy for the Province of Nanggroe Aceh Darussalam. This law provides firmness to Aceh to implement Islamic law in its entirety. Article 1 paragraph (1) of Law Number 11 of 2006 states, Islamic law implemented in Aceh includes aqidah, syar'iyah and morals (Salsabilah & Maheswara, 2021). In paragraph (2) it is stated, "Islamic law as referred to in paragraph (1) includes worship, ahwal al-syakhshiyah (family law), muamalah (civil law), jinayah (criminal law), qadha' (justice), tarbiyah (education), da'wah, syiar, and defense of Islam." One of the universal Qanuns related to criminal acts or jinayah concerning the implementation of Islamic law is Aceh Qanun Number 6 of 2014 concerning Jinayah Law. The Procedural Law or KUHAP uses Aceh Qanun Number 7 of 2013 concerning Jinayah Procedural Law (Nur, Dina, Munfaridah, & Faculty, 2024). There are at least 10 criminal cases regulated in the Qanun.

Article 3 paragraph (2) of Aceh Qanun Number 6 of 2014 mentions several cases that are classified as jarimah as follows:

1. Maisir;
2. Khalwat;
3. Ikhtilath;
4. Zina;
5. Sexual harassment;
6. Rape;
7. Qadzaf;
8. Liwath or gay; and
9. Musahaqah or lesbian.

In 2016, a qanun concerning halal products was passed in Aceh, and in this qanun, sanctions were imposed for violators in the form of 60 lashes or 60 months in prison or a fine of 600 grams of pure gold. However, this qanun is also problematic because only business actors who have obtained halal certificates from LPPOM MUI can be subject to sanctions, for business actors who do not/have not had halal certificates, there are no sanctions for them. Aceh Qanun Number 8 of 2016 concerning the Halal Product Guarantee System was passed by the Aceh DPR 2 years after Law Number 33 of 2014 concerning Halal Product Guarantees was approved and ratified by the President and the Indonesian DPR. Based on the example above, it can be stated that the legal norm is considered unfair because of the uneven sanctions imposed on food products that have not been certified (Devis & Azizi, 2021). The sanctions should not be differentiated between those who have taken care of halal certificates and those who have not. If this is implemented, it is possible that food product entrepreneurs will not take care of halal certificates because they will be subject to sanctions if their food products do not have halal guarantees (Dayakisni, 2009).

The implementation of Islamic law in the Indonesian context has respected the cultural and religious diversity of society, and is carried out within the limits of existing laws (Science, 2024). The existence of sharia courts in Aceh, for example, has been regulated in Indonesian national law and plays a role in maintaining order and justice in the region. It should be noted that the implementation of Islamic law can vary from one region to another in Indonesia, depending on local government policies and the aspirations of local communities. Therefore, it is important to maintain a balance between the implementation of Islamic law and the principles of pluralism and democracy upheld by the Indonesian state (Adhani, 2019).

3.3 Islamic Education

Islamic education also indicator an important role in Indonesian society. More than 95% of Indonesians identify as Muslims, and Islam is taught as part of the national curriculum. In addition, there are formal educational institutions such as Islamic boarding schools that provide more in-depth Islamic religious education to student. The Indonesian government also supports Islamic education

by providing subsidies to Islamic educational institutions, such as madrasahs and Islamic universities. This aims to ensure that the younger generation can understand and practice Islamic teachings properly (Arsyam, n.d.).

After Indonesia's independence, religious education has received serious attention from the government, both in public and private schools. This effort began with providing assistance as recommended by the Central National Committee Working Body (BPKNP) on December 27, 1945, which stated: "Madrasahs and Islamic boarding schools which are essentially a source of education and intelligence for the common people that have been deeply rooted in Indonesian society in general, should receive real attention and assistance in the form of guidance and material assistance from the government" Religious education is specifically regulated in Law No. 4 of 1950 in Chapter XII Article 20, namely:

Religious education is held in public schools, parents of students determine whether their children will take the lesson or not. The method of organizing religious education in public schools is regulated in regulations stipulated by the Minister of Education, Teaching and Culture, together with the Minister of Religion. The development of Islamic education during the Old Order was also closely related to the role of the Ministry of Religion which was officially established on January 3, 1946. The Ministry of Religion as an institution at that time, intensively fought for Islamic education policies in Indonesia. Islamic education at that time was handled by a special section that took care of religious education issues, namely the Religious Education Section. The duties of this section are in accordance with one of the notes on Islamic education in Indonesia compiled by the Education Section of the Ministry of Religion on September 1, 1956, namely:

1. providing religious instruction in state and private schools,
2. providing general knowledge in madrasahs, and
3. holding Religious Teacher Education and State Islamic Judge Education.

Based on the information above, there are two important things related to Islamic education during the old order, namely the development and development of madrasahs and Islamic education in public schools.

3.4 Development and Development of Madrasahs

The development of madrasahs cannot be separated from the role of the Ministry of Religion as an institution that has politically raised the position of madrasahs so that they receive continuous attention from policy makers. Although it cannot be separated from the hard work that has been pioneered by a number of religious figures such as Ahmad Dahlan, Hasyim Asy'ari and Mahmud Yunus. With political and modern developments, the Ministry of Religion has gradually continued to develop programs to improve and expand access and improve the quality of madrasahs.

Madrasahs as educational institutions were formally recognized by the state in 1950. Law No. 4 of 1950 concerning the basics of education and teaching in schools, in article 10 states that in order to obtain recognition from the Ministry of Religion, madrasahs must provide religious lessons as a main

subject for at least 6 hours a week regularly in addition to general lessons. With these requirements, registration of qualified madrasahs was held. The levels of education in the madrasah system at that time consisted of three levels (Amir & Rahman, 2024).

- 1) First Madrasah Ibtidaiyah with a duration of 6 years of education
- 2) Second Madrasah Tsanawiyah Pertama for 4 years
- 3) Third Madrasah Tsanawiyah Atas for 4 years.

While the madrasah curriculum consists of one third of religious lessons and the rest of general lessons. The formulation of such a curriculum aims to respond to the public opinion that states that madrasahs are not enough to only teach religion, but must also teach general education, such a policy is to answer the negative impression attached to madrasahs, namely that general madrasah lessons will not reach the same level when compared to public schools (Thought & Culture, 2025).

The development of madrasahs that was quite important during the Old Order was the establishment of the Religious Teacher Education (PGA) and State Islamic Judge Education (PHIN) madrasahs. The purpose of its establishment was to produce professional personnel who were ready to develop madrasahs as well as professional religious experts. PGA has basically existed since before independence. Especially in the Minangkabau region, but its establishment by the Ministry of Religion became a strategic guarantee for the continuation of madrasahs in Indonesia. The history of the development of PGA and PHIN began with the Ministry of Religion program which was technically handled by the Education Section. (Ahmed Bsoul, 2024).

3.5 Islamic Economy

Indonesia has also developed a thriving Islamic economic sector. Islamic banks have emerged throughout the country, providing financial products and services that are in accordance with Islamic principles. In addition, there are also Islamic capital markets, Islamic insurance, and Islamic microfinance institutions that support an Islamic-based economy (Kenedi, 2017).

Along with the growth of the Islamic economy, Indonesia has also hosted international conferences on Islamic economics and finance that have attracted participation from various countries. This has brought significant economic benefits to Indonesia and strengthened the role of Islam in the global financial sector (Salsabilah & Maheswara, 2021)

5. Conclusions

The implementation of Islamic law in Indonesia is an important part of maintaining the religious and cultural identity of the Muslim community. Although officially a secular state, Indonesia has a unique cultural and religious diversity, and the implementation of Islamic law reflects respect for this diversity. For the Muslim community of Indonesia, the implementation of Islamic law in daily life provides moral and ethical guidance based on religious teachings. However, it is also important to

maintain a balance between the implementation of Islamic law and the principles of democracy, justice, and tolerance that are upheld by this country.

Indonesian society needs to continue to promote interfaith dialogue, respect individual rights, and maintain national unity within the existing legal framework. In this way, the implementation of Islamic law can run in line with the values of Pancasila and help build a just, harmonious, and equitable society for all Indonesian citizens. The latest on the implementation of Islamic law in Indonesia can be followed through news and information obtained from trusted sources and through active participation in social and political life. Let us continue to support diversity and strengthen the values of justice and equality in building a bright future for Indonesia.

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