

Public Understanding of the Implementation of Islamic Law in the Context of Modern Life in Indonesia

Koko Komaruddin¹, Suprijati Sarib², Sabil Mokodenseho³, Nurcahyani Mokodompit⁴, Tindra Manangin⁵

¹ Universitas Islam Negeri Sunan Gunung Djati Bandung

² Institut Agama Islam Negeri Manado

³ Institut Agama Islam Muhammadiyah Kotamobagu

⁴ Institut Agama Islam Muhammadiyah Kotamobagu

⁵ Institut Agama Islam Muhammadiyah Kotamobagu

Article Info

Article history:

Received Apr, 2024

Revised Apr, 2024

Accepted Apr, 2024

Kata Kunci:

Indonesia, Islamic Law, Public Understanding, Qualitative Analysis, Sharia

ABSTRAK

This qualitative research explores people's understanding of the application of Islamic law in the context of modern life in Indonesia. As the country with the largest Muslim majority population in the world, Indonesia is a unique case study to see the intersection between Islamic law and the dynamics of contemporary society. Through in-depth interviews and thematic analysis, this study explores the diverse perspectives, beliefs and experiences of Indonesian individuals regarding Sharia principles and their relevance in today's society. The findings highlight the complexities of reconciling religious norms, cultural traditions, and modern realities in Indonesian society, and provide insights for policymakers, scholars, and civil society actors seeking to promote social cohesion, religious tolerance, and legal reform.

This is an open access article under the [CC BY-SA](#) license.



Corresponding Author:

Name: Koko Komaruddin

Institution: Universitas Islam Negeri Sunan Gunung Djati Bandung

Email: koko.komaruddin@uinsgd.ac.id

1. INTRODUCTION

Indonesia, as the country with the largest Muslim majority population in the world, is grappling with the interaction between tradition and modernity, especially regarding the implementation of Islamic law or Sharia (Mokodenseho et al., 2024). Islamic law plays an important role in the development process of the Indonesian nation, which has an impact on the political, economic and social fields (Fasial, 2023). This country, whose majority population is Muslim, links Islamic principles to its judicial system, which aims to achieve the goals of maqasid sharia, which include law enforcement and justice (Faisal, 2023). Even though Indonesia is a secular country, Islam significantly influences various aspects of people's lives, so efforts are needed to balance Islamic ideals with human rights and religious conservatism with secularism (Sa'adah et al., 2023). The unique diversity of traditions, culture and religion in Indonesia, with the majority of the population

embracing Islam, underlines the importance of the quality of Islamic leadership in advancing the nation towards prosperity (Fazrin et al., 2023).

In the dynamic landscape of implementing Sharia principles, various factors influence the interpretation and application of Islamic law, reflecting diverse socio-political dynamics and regional differences. These studies highlight the importance of understanding people's perceptions and understanding of Sharia principles in modern life. Various research papers emphasize the importance of factors such as regulatory oversight (Fitriyanti et al., 2023), compliance with Sharia principles in Sharia financial institutions (Ida Busneti et al., 2023), implementation of Sharia principles in Sharia banking (Nur, 2022), and the impact of Sharia principles on consumption activities in the Sharia economy (Harahap & Ali, 2022). These studies collectively underscore the need for a deeper understanding of how Sharia principles are understood and applied in different contexts, highlighting the complexity and variation in modern interpretations of Islamic law (Mokodompit et al., 2023).

The application of Islamic law in Indonesia is still a debated topic among scholars and the general public. Various challenges hinder its integration, such as differences in interpretation, conflicts with national legal systems, political influences, and the need to continuously incorporate Islamic values into development programs (Hannani, 2023). Indonesia's historical background shows a complex relationship with Islamic law, starting from its integration with customary law to its formalization in national law (Suryani et al., 2023). Issues such as polygamy highlight the dichotomy between Islamic norms and law, emphasizing the need for harmonization to benefit all members of the family and society (Dutta, 2023; Welchman et al., 2023). Although there have been attempts to codify Islamic law in the past, significant obstacles remain, requiring further scientific research and consideration of ethical and social implications for it to be successfully incorporated into contemporary legal frameworks (Ma'u, 2023).

However, little attention has been paid to qualitatively understanding how Indonesian society views and interacts with Sharia principles in everyday life. This research aims to bridge this gap by exploring individual perspectives, beliefs and experiences regarding the application of Islamic law in the contemporary Indonesian context.

This research aims to conduct qualitative analysis to explore people's understanding of the application of Islamic law in Indonesia. The primary focus is on exploring individual perspectives and beliefs regarding Islamic law, as well as understanding its influence on modern life, including personal behavior, family dynamics, and social norms. Apart from that, this research also examines the challenges and opportunities that arise in connection with the implementation of Islamic law in the diverse context of Indonesian society.

2. LITERATURE REVIEW

2.1 *Islamic Law in Indonesia*

Indonesia's rich diversity is visible in its cultural, linguistic and religious landscape, with the largest Muslim population in the world. Despite being a secular state, Islam has a central position, impacting politics, law and social norms (Faisal, 2023). The application of Sharia, especially in matters of personal status such as marriage and inheritance, is essential, with Sharia courts resolving disputes for Muslims (Alimashariyanto et al., 2022; Sarib, Koko Komaruddin, et al., 2023). However, the application of Sharia varies, reflecting diverse interpretations and historical influences in different regions and communities (Rohidin et al., 2023). The relationship between Islam and the justice system in Indonesia is very important, which aims to achieve the goals of justice and law enforcement in line with maqasid Sharia (Fasial, 2023). The peaceful spread and development of Islam in Indonesia through various channels shows the unique history of Indonesian Islam (Zuhri, 2022). Religious moderation, da'wah strategies, and efforts to achieve harmony between various

religions are very important for a tolerant and harmonious national life in Indonesia (Mujib & Sholikhin, 2022).

2.2 Public Understanding of Islamic Law

Public perception of Islamic law in Indonesia is influenced by various factors, including religiosity, education, and exposure to various interpretations of Islam (Suparjo & Hidayah, 2023). The implementation of Sharia in Indonesia faces challenges due to globalization and urbanization, thus sparking debate about its relevance in modern society (Selly, 2023). The role of Islamic law in nation building is very significant, having an impact on political, economic and social aspects throughout Indonesia (Yusifa & Permatasari, 2023). Sharia governance in Indonesian banking is very important, with the existence of laws that regulate its implementation (Fatmawati et al., 2022; Husaeni & Jayengsari, 2020; Zulfikar et al., 2020). The existence of Sharia Regional Regulations in Indonesia has sparked debate regarding potential human rights violations and social implications. These studies collectively highlight the complex interactions between religion, culture, and socio-political dynamics that shape attitudes towards Sharia in Indonesia (Sarib, Syarifuddin, et al., 2023; Sidayang et al., 2023).

2.3 Contemporary Debates and Challenges

The implementation of Islamic law in Indonesia has sparked debate due to differences in views regarding religious authority, legal pluralism and human rights. Critics highlight concerns about the compatibility of Sharia with democratic principles and human rights, especially regarding hudud punishments and gender-based laws (Febrianty et al., 2023; Hannani, 2023). In contrast, proponents advocate expanding the role of Sharia, emphasizing moral guidance and the promotion of justice in society (Rohidin et al., 2023). Tensions between tradition and modernity, as well as religious orthodoxy versus pluralism, shape the ongoing discourse on Islamic law in Indonesia (Fasial, 2023). This underlines the need for a nuanced and context-sensitive approach in its application, considering the variety of perspectives and complexity surrounding the application of Islamic law in the Indonesian legal system (Wahyuni, 2023).

3. RESEARCH METHODS

3.1 Research Design

This qualitative research uses a phenomenological approach to explore people's understanding of the application of Islamic law in Indonesia. Phenomenology seeks to understand an individual's lived experiences and perceptions within a particular context, allowing for an in-depth exploration of their subjective reality. In this study, semi-structured interviews were used to obtain rich and detailed narratives from participants, providing insight into their beliefs, attitudes and experiences regarding Islamic law.

3.2 Selection of Participants

A purposive sampling strategy was used to select participants who could provide diverse perspectives on the research topic. Participant selection criteria included age, gender, educational background, geographic location, and level of religiosity. A minimum of 10 informants will be recruited to ensure a comprehensive exploration of the public's understanding of Islamic law in Indonesia. Participants will be approached through community organizations, religious institutions, and personal networks, with efforts made to involve individuals from urban and rural areas, as well as different socio-economic backgrounds.

3.3 Data collection

Semi-structured interviews will be conducted with each participant to explore their views, beliefs and experiences regarding Islamic law and its implementation in modern Indonesia. An interview guide will be developed based on the research objectives and

relevant literature, covering topics such as perceptions of Sharia, experiences with its implementation, attitudes towards modernity and tradition, and challenges faced in reconciling religious principles with contemporary life. Interviews will be audio recorded with participant consent and transcribed verbatim for analysis.

3.4 Data Analysis

Qualitative methods of thematic analysis will be applied to identify, analyze, and report patterns or themes in interview transcript data. This process will use NVivo software to make it easier to organize and code text data. The research team will follow a series of steps, starting with an introduction to the data through repeated reading of interview transcripts to gain a comprehensive understanding. Then, initial coding will occur to capture key concepts, ideas, and themes, followed by theme development that organizes codes into broader themes and sub-themes. Data interpretation will be carried out by interpreting these themes in the context of the research objectives, as well as drawing connections with literature related to Islamic law in Indonesia. The final step is reporting the findings through writing that includes illustrative quotes and examples to support each theme, ensuring that the analysis accurately reflects the perspectives and experiences of the participants.

4. RESULTS AND DISCUSSION

4.1 Results

a. Participant Demographics

Ten participants were included in this study, representing diverse demographics in terms of age, gender, educational background, and geographic location across Indonesia. The participants in this study were aged between 25 and 60 years, with an equal distribution of male and female respondents. Educational backgrounds varied, with participants having degrees ranging from high school diplomas to postgraduate degrees. Geographically, participants were located in urban and rural areas in various provinces in Indonesia, to ensure a broad representation of perspectives.

b. Themes and Findings

Thematic analysis of the interview data revealed several main themes related to public understanding of the application of Islamic law in Indonesia:

1. Theme 1: Perceptions of Sharia

Participants expressed varying perceptions of Sharia, ranging from viewing it as a source of moral guidance and social cohesion to viewing it as restrictive or outdated. Some participants emphasized the importance of Sharia principles in guiding personal behavior and fostering a sense of community, while others questioned their relevance in contemporary society.

Participant A stated, "Sharia provides clear guidelines for ethical living and fosters a sense of unity among Muslims. It is an important part of our cultural identity and heritage."

In contrast, Participant B said, "While I respect Sharia as a religious tradition, I believe that its implementation must be flexible and adapted to modern realities. We need to balance religious values with individual freedoms and human rights."

2. Theme 2: Experience in Implementation

The participants shared their experiences with the application of Islamic law in various fields, including family law, criminal justice, and public morality. While some participants reported positive experiences with Sharia courts, others highlighted challenges such as delays in legal processes and inconsistencies in court decisions.

Participant C shared, "I sought help in the Sharia court for a family dispute, and I found the process to be fair and efficient. The judge considered religious principles and local customs in making decisions."

However, Participant D expressed disappointment, stating, "I have witnessed cases where Sharia law was applied arbitrarily, leading to injustice and discrimination, especially against marginalized groups. There needs to be greater accountability and transparency in the legal system."

3. *Theme 3: Attitudes towards Modernity and Tradition*

The participants expressed varying attitudes towards modernity and tradition in relation to Islamic law. Some participants emphasized the importance of upholding traditional values and preserving cultural heritage, while others advocated adapting religious practices to contemporary realities.

Participant E said, "We need to strike a balance between preserving our religious and cultural traditions and embracing modernity. Islamic law must evolve to respond to contemporary challenges while adhering to its basic principles."

Participant F chimed in by saying, "We must reject the influence of Western values and uphold our Islamic identity. Modernity must not come at the expense of our religious beliefs and cultural heritage."

4.2 *Discussion*

The findings from this research provide valuable insight into the public's understanding of the application of Islamic law in Indonesia. The diversity of perspectives and experiences highlighted in the thematic analysis underscores the complexity of reconciling religious norms, cultural traditions, and modern realities in Indonesian society.

a. **The Role of Sharia in Society**

The diversity of perceptions regarding Sharia reflects the diversity of religious interpretations and cultural norms in Indonesian society. Some participants viewed Sharia as a fundamental aspect of their community's identity and cohesion, while others questioned its applicability in a diverse and rapidly changing environment. This diversity of perspectives underscores the importance of fostering dialogue and mutual understanding among various segments of society.

b. **Challenges and Opportunities**

The participants' experiences with the application of Islamic law highlight the strengths and weaknesses of the legal system in Indonesia. While some participants reported positive experiences with Sharia courts, others identified challenges such as procedural delays and unequal treatment before the law. Addressing these challenges requires comprehensive legal reform, including measures to increase judicial accountability, increase access to legal services, and promote gender equality in the legal system.

c. **Balancing Tradition and Modernity**

The tension between tradition and modernity is a recurring theme in discussions surrounding Islamic law in Indonesia. While some participants advocated for the preservation of traditional values and cultural heritage, others emphasized the need to adapt religious practices to contemporary realities. Finding a balance between tradition and modernity requires engaging in constructive dialogue and seeking common ground among various stakeholders. This also requires the promotion of tolerance, respect for human rights, and pluralism in Indonesian society.

4.3 *Limitations*

It is important to acknowledge the limitations of this study, including the relatively small sample size and subjective nature of qualitative research. Although efforts have been made to ensure diversity among participants, the findings may not be fully representative

of the broader population. Additionally, participants' responses may have been influenced by social desirability bias or their own personal experiences, which could impact the generalizability of the findings.

4.4 Recommendations for Future Research

Future research could expand on the findings of this research by exploring other factors that influence people's understanding of Islamic law in Indonesia, such as media representation, religious education, and cultural influences. Longitudinal research can also track changes in public attitudes towards Sharia over time, providing insight into the dynamic nature of religious discourse in Indonesian society.

5. CONCLUSION

This qualitative analysis provides valuable insight into the public's understanding of the application of Islamic law in Indonesia in the context of modern life. Through thematic analysis of the interview data, several key themes emerged, reflecting the diverse perspectives and experiences of the participants. These findings highlight the complex interactions between tradition and modernity, religious orthodoxy and pluralism, which shape public discourse around Islamic law in Indonesia. While some participants emphasized the importance of Sharia as a source of moral guidance and societal cohesion, others questioned its relevance in contemporary society and called for greater flexibility and adaptation to modern realities.

Going forward, it is critical for policymakers, scholars, and civil society actors to engage in dialogue with diverse communities to address misunderstandings, promote religious tolerance, and encourage a more inclusive understanding of Islamic law in Indonesia. Legal reform should aim to increase judicial accountability, improve access to legal services, and promote gender equality in the legal system. In addition, efforts to promote tolerance, respect for human rights, and pluralism in Indonesian society are essential to fostering a more cohesive and inclusive society.

By continuing to explore the multifaceted relationships between Islamic law and contemporary Indonesian society, future research can contribute to a deeper understanding of the complexities and nuances inherent in addressing religious norms, cultural traditions, and modern realities.

REFERENCE

- Alimashariyanto, M., Sarib, S., & Mokodenseho, S. (2022). The Role of Parents in Parenting from Islamic Law Perspectives A Study of Muslim Families in Ambang II Village. *AT-TURAS Jurnal Studi Keislaman*, 9, 38–59. <https://doi.org/10.33650/at-turas.v9i1.3707>
- Dutta, S. (2023). Polygamy and the porous state: reconstituting gender in the everyday life of Muslim law. *Legal Pluralism and Critical Social Analysis*, 55(2), 180–200. <https://doi.org/10.1080/27706869.2023.2170161>
- Faisal, A. (2023). The Intersection of Islamic Law and Nationhood in Contemporary Indonesia. *European Journal of Humanities and Social Sciences*, 3, 141–147. <https://doi.org/10.24018/ejsocial.2023.3.2.441>
- Fasial, A. (2023). Hubungan Islam Dengan Sistem Peradilan Di Indonesia. *Warta Dharmawangsa*, 17(2), 632–649. <https://doi.org/10.46576/wdw.v17i2.3177>
- Fatmawati, D., Ariffin, N. M., Abidin, N. H. Z., & Osman, A. Z. (2022). Shariah governance in Islamic banks: Practices, practitioners and praxis. *Global Finance Journal*, 51, 100555. <https://doi.org/https://doi.org/10.1016/j.gfj.2020.100555>
- Fazrin, D., Nurlaela, I., Illahi, R., Fajrussalam, H., & Nabilah, S. (2023). Peran Islam dalam Kepemimpinan Kenegaraan Indonesia. *ANWARUL*, 3, 433–449. <https://doi.org/10.58578/anwarul.v3i3.1098>
- Febrianty, Y., Wijaya, M., Hosna, A., Siswajanthi, F., & Insan, I. (2023). Implementation of the Applicability of the Death Penalty in Indonesia Through a Review of Pancasila-Based Islamic Law. *Eduvest - Journal of Universal Studies*, 3, 983–993. <https://doi.org/10.59188/eduvest.v3i5.806>
- Fitriyanti, F., Akbar, M. F., Syamsu, A. P., & Nurhaifa, R. F. (2023). Application of Sharia Principles in Sharia Financial Institutions. *Fiat Justitia: Jurnal Ilmu Hukum*, 17(2), 157–166. <https://doi.org/10.25041/fiatjustisia.v17no2.2849>

- Hannani. (2023). Revisiting Islamic Law in Indonesia's Legal System Discourse: A Critical Analysis of the Legal and Social Implications. *International Journal of Law and Politics Studies*, 5, 13–17. <https://doi.org/10.32996/ijlps.2023.5.3.3>
- Harahap, M. I., & Ali, M. (2022). Analysis of the Application of Sharia Principles in the Development of Sharia Capital Market (Case Study of the Indonesia Stock Exchange, North Sumatra Representative Office). *Jurnal Ekonomi, Manajemen, Akuntansi Dan Keuangan*, 3(1), 278–284. <https://doi.org/10.53697/emak.v3i1.424>
- Husaeni, U. A., & Jayengsari, R. (2020). Implementation of Corporate Governance in Fraud Prevention in Islamic Banking. *Jurnal IUS Kajian Hukum Dan Keadilan*, 8(3), 453–471. <https://doi.org/10.29303/ius.v8i3.812>
- Ida Busneti, Novi Imelda, Rizqullah, & Yusuf Faisal. (2023). Factors Determining Sharia Responsible Investment Strategies. *International Journal of Economic, Business, Accounting, Agriculture Management and Sharia Administration (IJEBAAS)*, 3(1), 109–124. <https://doi.org/10.54443/ijeabas.v3i1.597>
- Ma'u, D. H. (2023). The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia. *Samarah*, 7(2), 669–686. <https://doi.org/10.22373/sjhk.v7i2.8519>
- Mokodenseho, S., Siregar, R., Muslim, S., Hasibuan, K., & Rahman, R. (2024). Analysis of the Influence of Fiqh and Maqasid al-Syariah in the Formation of Islamic Legal Policy in Indonesia. *West Science Islamic Studies*, 2(01 SE-Articles), 30–37. <https://doi.org/10.58812/wsiss.v2i01.590>
- Mokodompit, G., Sarib, S., Mokodenseho, S., Darwis, Z., & Mokobombang, M. (2023). Ensuring the Rights of Indigenous Peoples: International Legal Standards and National Implementation. *The Easta Journal Law and Human Rights*, 1(03 SE-Articles), 127–136. <https://doi.org/10.58812/eslhr.v1i03.89>
- Mujib, A., & Sholikhin, B. (2022). Pola dan Strategi Dakwah dalam Moderasi Beragama. *Indonesian Journal of Humanities and Social Sciences*, 3(2 SE-Articles), 229–244. <https://doi.org/10.33367/ijhass.v3i2.3120>
- Nur, A. (2022). Implementasi Prinsip Syariah Dalam Pengawasan Perbankan Syariah Oleh Otoritas Jasa Keuangan. *Ijd-Demos*, 4(3), 1125–1136. <https://doi.org/10.37950/ijd.v4i3.329>
- Rohidin, R., Syafi'ie, M., Heryansyah, D., Hadi, S., & Ali, M. (2023). 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(1), 2202939. <https://doi.org/10.1080/23311886.2023.2202939>
- SA'ADAH, S., ROFIAH, K., MUN'IM, A., YUSUF, S., & CHOTIB, M. (2023). Liberalism and Religious Moderation: The Dilemma in Indonesia. *WISDOM*, 26, 132–142. <https://doi.org/10.24234/wisdom.v26i2.1014>
- Sarib, S., Koko Komaruddin, Madiha Dzakiyyah Chairunnisa, Ahmad Labib Majdi, & Sabil Mokodenseho. (2023). Qualitative Study of the Role of Islamic Law in Shaping Muslim Identity and Business Ethics. *Sanskara Hukum Dan HAM*, 2(01 SE-Articles), 58–65. <https://doi.org/10.58812/shh.v2i01.242>
- Sarib, S., Syarifuddin, & Mokodenseho, S. (2023). Comparison Between Islamic Law and Positive Law in a Judicial Context. *West Science Islamic Studies*, 1(01 SE-Articles), 34–41. <https://doi.org/10.58812/wsiss.v1i01.284>
- Selly, G. (2023). Integrasi Syariah Dalam Peraturan Daerah Indonesia: Dialektika Filsafat Hukum Islam Profetik Dan Paradigma Thomas Kuhn: Sharia Integration in Indonesian Regional Regulations: Dialectics of Prophetic Islamic Law Philosophy and Thomas Kuhn's Paradigm. *Constitution Journal*, 2, 1–16. <https://doi.org/10.35719/constitution.v2i1.43>
- Sidayang, S., Sumanta, M. J., Calya, C. K. P., & Mokodenseho, S. (2023). Addressing Gender-Based Violence: Comparative Analysis of International Legal Frameworks and Practices. *The Easta Journal Law and Human Rights*, 1(03 SE-Articles), 147–157. <https://doi.org/10.58812/eslhr.v1i03.91>
- Suparjo, S., & Hidayah, L. (2023). Islamic Religious Education in Indonesia: Understanding the Urgency and Paradigm Shift from a Societal Perspective. *International Journal of Multidisciplinary Research and Analysis*, 06. <https://doi.org/10.47191/ijmra/v6-i6-08>
- Suryani, I., Muhtar, M. H., Rahman, Y., Mega Jaya, B., & Khalaf, A. (2023). Integration of Islamic Law in Regional Development in Indonesia. *JURIS (Jurnal Ilmiah Syariah)*, 22, 1–11. <https://doi.org/10.31958/juris.v22i1.8770>
- Wahyuni, S. (2023). Islamic Law in Indonesia (History and Prospects). *Batulis Civil Law Review; Vol 4, No 1 (2023): VOLUME 4 ISSUE 1, MAY 2023DO - 10.47268/Ballrev.V4i1.1146*. <https://fhukum.unpatti.ac.id/jurnal/ballrev/article/view/1146>
- Welchman, L., Jouirou, Z., & Sharafeldin, M. (2023). Muslim Family Laws : Trajectories of Reform. *SOAS University of London Working Paper Series — School of Law , Gender and Media*.
- Yusifa, E. V., & Permatasari, F. H. (2023). Pengaplikasian Tata Kelola Keuangan Islam Dalam Perbankan Syariah di Indonesia. *Journal of Creative Student Research*, 1(3), 124–134. <http://dx.doi.org/10.55606/jcsrpolitama.v1i3.1704%0Ahttps://ejurnal.politeknikpratama.ac.id/index.php/jcsr/article/download/1704/1679>

- Zuhri, S. (2022). Islam, (Un)Civil Society And Challenges For Democratisation In Indonesia. *Al-A'raf: Jurnal Pemikiran Islam Dan Filsafat*, 19, 286–302. <https://doi.org/10.22515/ajpif.v19i2.6488>
- Zulfikar, Z., Bawono, A. D. B., Mujiyati, M., & Wahyuni, S. (2020). Sharia corporate governance and financial reporting timeliness: Evidence of the implementation of banking regulations in Indonesia. *Banks and Bank Systems*, 15(4), 179–192. [https://doi.org/10.21511/bbs.15\(4\).2020.15](https://doi.org/10.21511/bbs.15(4).2020.15)