



# Interpretation of the Application of Law in Islamic Families in Indonesia

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## Abstract

In Indonesia's legal system, which is a state based on law (rechstaat), positive law is enforced, namely the law that applies in a certain place at a certain time as a valid legal system. The type of research used is library research, which involves the use of written materials such as manuscripts, books, magazines, newspapers, and other documents containing information about inheritance and gift laws currently in force in Indonesia, both according to Islamic law and Indonesian civil law. The nature of the research in this article is descriptive-analytical, which is research that aims to describe in detail the characteristics or features of a developing or ongoing situation as an influence in producing legal products in accordance with the developments of the times and places, which in this case will attempt to explain the importance of legal interpretation of legislation to produce fair and beneficial laws. The relationship between law and society is reciprocal; sometimes law influences society, and vice versa, society influences law. However, due to the value of legal certainty in a fixed rule that has been codified in the form of legislation, the law is sometimes understood in a static and rigid manner, thereby failing to provide justice and benefit in certain cases. Thus, it can be said that the method of interpretation is one of several methods for discovering laws that have value in terms of justice and benefit, especially methods that must be mastered by judges in court proceedings, including grammatical, historical, systematic, extensive, restrictive, valid, teleological, interdisciplinary, multidisciplinary, comparative, and futuristic interpretations. In terms of relevance, legal interpretation methods are highly significant for the development of law characterized by certainty, justice, and public welfare, such as in the fields of Islamic family law and Islamic economics.

## INTRODUCTION

Family law occupies a strategic position in Islamic law. The regulation of law for individuals and families is closely related to the religious awareness and obedience of every Muslim (H. Irawan, 2023; Zalikha, 2025). In relation to community life, if every individual in society is conscious and obedient, then a state of consciousness

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obedient, then a state of consciousness and obedience to Allah will naturally be created in that community. Islam places great emphasis on the development of individuals and families. Family law in the broad sense encompasses not only marriage and divorce laws but also inheritance laws, gifts, wills, and endowments. Meanwhile, family law in the narrow sense refers solely to marriage and divorce laws. The distinction between the broad and narrow definitions of family law is based on the fact that marriage and divorce form the core of family law today.

In general, law itself is understood as rules or a set of norms that regulate human behavior in a society, whether these rules or norms are realities that grow and develop within society or rules or norms created by authorities/governments (Hayatun Nisa & Barirah, 2025; M. Taufiq, 2021). Law in this conception is a law derived from Western concepts and created by humans, so that law with this understanding is worldly in nature. However, in the Indonesian context, if the concept of law is combined with the word “Islam,” it becomes clear that these rules or norms are no longer purely human in nature but are accompanied by another aspect: the law of God (Allah), which He has established for humanity as His servants.

In Indonesia, efforts to maintain the actualization of family law have been carried out in two major ways. First, the enactment of Law No. 7 of 1989 on Religious Courts. Second, the creation of the Compilation of Islamic Law. The Compilation of Islamic Law is a monumental work and a collection of laws derived from the legal consciousness of Indonesian society (Kurniadinata & Wiguna, 2020). However, there are still groups that question the existence of the Compilation of Islamic Law, even challenging its provisions. It must be understood that the Compilation of Islamic Law is not a “fixed price” but merely an intermediate goal toward achieving more ideal legal material. One of the challenges for the Indonesian nation in establishing equal law is the diversity of social structures and the values present within society (Azharie, 2023; Karyudi & Firdausiah, 2024). The issue of the relationship between social structure and law in Indonesia is of significant importance to discuss, particularly to address practical needs, such as the creation and implementation of effective laws or diagnostic purposes, meaning explaining the “illnesses” in our legal system that stem from the mismatch between social structure and the law being applied.

Legal observers and the public, each in their own way, agree on one thing: the development of social structures in Indonesia is not, or is insufficiently, in line with the law. Every social structure should develop its own legal system that is appropriate. In this context, a social structure can be regarded as a means to implement its legal system (Al Kautsar & Muhammad, 2022; Suyatno, 2019). Thus, this study will address the legal issues surrounding Islamic family law in Indonesia. The presence of Islamic legal codification in Indonesia can be viewed from various perspectives. Legal professionals, such as judges, prosecutors, advocates, and jurists working in the government, will see and interpret the law as a legal framework. However, in everyday life, there are many conflicts between the reality and dynamics of society and the applicable law (A. Irawan & Haris, 2022; Isroji & Najib, 2022), because one of the fundamental characteristics of society is that it is constantly changing and developing (change and development) in an ongoing manner, both in terms of economics, social, political, cultural, and legal aspects. In the field of law, the relationship between society as both the subject of law (*mahkum 'alaih*) and the object of law (*mahkum fib*) is closely intertwined with the law (Fuad et al., 2022).

As is well known, the relationship between the two is mutually influential. Sometimes the enactment and enforcement of laws affect social phenomena in society, and sometimes social phenomena in society affect the law. This is reinforced by the opinion of Roscou Pound, who stated that the law is influenced by society,

while society is influenced by the law. In Indonesia's legal system, which is a state based on law (*rechstaat*), positive law (*ius constitutum*) is enforced, meaning the law that is in effect in a particular place at a specific time as a valid legal system (Hutapea et al., 2024). Positive law, whether in the form of legislation or regulations, emphasizes that society must comply with it, as it has the advantage of legal certainty. However, on the other hand, it also has weaknesses because the legal certainty that serves as the benchmark for determining right and wrong is limited to written rules as stipulated in the form of laws and regulations. Furthermore, this is also limited by the principle of legality. Legality is a standard rule that must be obeyed, and Islamic law can coexist with state law with various adjustments (Mulyatno, 2022).

Given the above circumstances, a method of legal discovery is needed so that the legal products produced by law enforcement officials can have value in terms of justice and legal benefit, one of which is through interpretation. The interpretation method is necessary to address legal events or actions that are constantly evolving in the life of a society, particularly those not explicitly addressed in specific laws or where the text exists but the provisions are unclear for application to a particular event (Rosidi et al., 2024). Furthermore, this method of legal discovery through interpretation must be mastered by judges in determining or deciding legal disputes and cases that are not formulated in a specific law, considering that one of the principles of legal proceedings is the prohibition of refusing to examine a case because the judge is considered to know the law (*ius curia novit*) (AmandaDea Lestari & Bustanuddin, 2021; Harini & Rahmat, 2025). Therefore, the discussion on the method of legal discovery, particularly the method of legal discovery through interpretation (*ijtihad*), is an interesting topic as will be examined in this paper.

## METHODS

The type of research used is library research, which involves the use of written materials such as manuscripts, books, magazines, newspapers, and other documents containing information about inheritance and gift laws currently in force in Indonesia, both under Islamic law and Indonesian civil law (Kaputra et al., 2021). The nature of the research in this article is descriptive-analytical, which is research that aims to describe in detail the characteristics or features of a developing or ongoing situation as an influence in producing legal products in accordance with the developments of the times and places, which in this case will attempt to explain the importance of legal interpretation of legislative texts to produce fair and beneficial laws. The subject of this study is the legal text in the articles of the Compilation of Laws, which emphasizes the need to interpret the text (Engkizar et al., 2022). Therefore, the approach used in this research is the legal interpretation approach, which seeks to understand the meaning of the text that has legal certainty so that it can also provide other legal values, namely legal justice and legal benefit.

## RESULT AND DISCUSSION

During the time of the Prophet Muhammad and his companions, Islamic law was implemented as it should be, accepted and practiced by the community with full awareness, so that the regions under Islamic rule were fair, orderly, and prosperous (Aisi, 2024; Rizani et al., 2024). Such conditions can serve as a source of inspiration for Indonesian rulers and society in establishing just laws that are accepted by all Indonesians. Islam is the teaching of Allah revealed through revelation to the Prophet Muhammad, peace be upon him, to be conveyed to humanity as a guide for life, for their happiness in this world and the hereafter. According to Mahmud Syaltut, Islamic teachings can be divided into two major groups, *akidah* and *syariat*, or as in his other

book, divided into *akidah*, *ahkam* (sharia law), and *ahlak*. From this division, it is clear that Islamic law is part of the totality of Islamic teachings that originate from revelation (Arif, 2020). In the study of *Ushul Fiqh*, Islamic law refers to a set of rules directly and explicitly established by Allah or whose fundamentals are established to regulate the relationship between humans and their Lord, humans with one another, and humans with the universe.

As is well known, the Indonesian legal system originated in the Netherlands, which once ruled Indonesia, and so the Dutch legal system was implemented in Indonesia based on the principle of concordance. Dutch law is part of the European Continental legal system (civil law), so the Indonesian legal system is also part of the civil law system. Therefore, it is only natural that Indonesian judges, when examining, adjudicating, and deciding a case, including issues related to legal discovery, are influenced by the civil law system (Ekawati, 2023; Suhartanto & Febriyanti, 2024). The characteristic of the civil law system is marked by the existence of a codification or compilation of laws or regulations in a code. In a codification, as many legal provisions as possible are systematically compiled. The existence of a codification does not preclude the possibility of enacting separate laws.

In essence, legal discovery must be based on the existing legal system. Legal discovery that is based solely on legislation is referred to as system-oriented. Legal discovery must fundamentally be system-oriented, but if the system does not provide a solution, then the system must be abandoned and a problem-oriented approach adopted (Kurniawan, 2024; Saadah et al., 2023). In other words, in a system-oriented approach, legal discovery is considered a technical and cognitive process that prioritizes laws without acknowledging subjectivity or judgment. This type of legal discovery is referred to as heteronomous legal discovery, as judges base their rulings on external regulations, meaning they are not independent and must adhere to the law. This theory of heteronomous legal discovery could no longer be sustained by 1850 with the emergence of the theory of autonomous legal discovery. In the theory of autonomous legal discovery, judges are no longer seen as the mouthpiece of the law (*la bouche de la loi*), but as lawmakers who independently shape the content of the law and adapt it to legal needs. Thus, just law based on the Supreme Being can be applied in a society that is constantly evolving, where legal events or actions are not explicitly provided for in the law. This is law as a problem-oriented approach, not merely a static system-oriented one (Engkizar et al., 2025).

In addition, according to the author, legal interpretation in the Indonesian legal system must be explored by judges, as stipulated in Law Number 4 of 2004 concerning Judicial Authority, Article 28 paragraph 1, which states that “Judges must explore, follow, and understand the legal values and sense of justice that exist in society.” Thus, the formation of law can fulfill philosophical values centered on justice and truth, sociological values consistent with the prevailing norms and culture in society, and legal values consistent with existing legislation, thereby producing legal products that possess philosophical (*filosofische geltung*), sociological (*sosiologische geltung*), and legal (*jurische geltung*) (Kirom & Nadirin, 2023; Rasji & Harmono, 2024).

The above is a brief discussion of the method of legal discovery. For a more specific discussion of legal discovery using the method of legal interpretation, the subjects of law, sources of legal discovery, and methods of legal construction are not the focus of this material. The relationship between society and law is very close, as the function or role of law is to maintain what exists in society (Saleh et al., 2020; Zia et al., 2020). However, the ever-changing social conditions require that the law, whose establishment is related to social development, be dynamic so that the objectives of the law can be achieved. Therefore, for the law to achieve its objectives, a method of legal discovery is necessary, as if the law does not undergo change, it will

face many obstacles in terms of both the enforcement of justice and the enforcement of the law (Cahya Supena, 2022; Hidayatulah, 2020). In the context of Indonesian law, which also follows the principle of legality, legal discovery through interpretation is necessary to achieve the goal of fair law.

Several types of interpretation methods are included in the method of legal discovery. Grammatical interpretation (syntax) is a method of interpretation based on the wording of legal provisions, guided by the meaning of words in relation to one another within the sentences used in the law. The meaning of words in this context is solely based on grammatical rules or common usage, i.e., their everyday meaning (Lubis & Purba, 2025). For example, a legal regulation prohibits people from parking their vehicles in a certain place. The regulation does not explain what is meant by the term “vehicle,” so people ask whether the term “vehicle” refers only to motor vehicles or whether it also includes bicycles and carts. Often, dictionary definitions are insufficient. Judges must also consider the context of the words or their relationship to other regulations.

Historical interpretation, which is the interpretation by examining the historical background of the law or the history of the formulation of a particular provision (history of the law) (Susetiyono, n.d.). For example, imposing a fine that differs from what is stipulated in the Criminal Code, by interpreting the “value” of currency at the time the Criminal Code was formulated with the “value” that exists today. Article 205(1) of the Criminal Code states: “Any person who, through negligence, causes dangerous goods that are harmful to human life or health to be sold, transferred, or distributed, without the buyer or recipient being aware of their dangerous nature, shall be punished with imprisonment for a maximum of nine months or detention for a maximum of six months or a fine of up to three hundred rupiah. Thus, the fine of three hundred rupiah is interpreted based on the value of three hundred rupiah at that time and concluded with the value today (Anto et al., 2022).

Systematic (logical) interpretation, interpretation by examining the structure related to the wording of other articles both in that law and in other laws (Abdul Jalil et al., 2023; Laili & Santoso, 2020). For example, if one wishes to know about the nature of the recognition of a child born out of wedlock by his or her parents, the judge cannot simply look up the provisions in the Civil Code, but must also refer to the provisions in Article 278 of the Criminal Code, which states: anyone who acknowledges a child as his or her own according to the Civil Code, while knowing that he is not the father of the child, shall be punished for falsely acknowledging a child, with a maximum imprisonment of three years.

Extensive interpretation, interpretation by expanding the scope of a provision, example: the term “neighbor” in Article 666 of the Civil Code is interpreted as not necessarily the owner of the house, but also those who are tenants of the house next to a person's residence (Sadela et al., 2023; Vidiawati & Fathurrohman, 2025). Another example is regarding an object, namely “electricity.” Thus, stealing electricity can also be equated with stealing an object. Restrictive interpretation, which involves limiting the scope of a provision, for example: the term “neighbor” in Article 666 of the Civil Code must refer to the owner of the house adjacent to a person's residence. Another type is Authentic Interpretation. This is an interpretation that is certain regarding the meaning of words as given by the Lawmaker, for example, Article 48 of the Criminal Code defines night as the time between sunset and sunrise.

Teleological (sociological) interpretation, which is interpretation with consideration of the intent and purpose of the law. This is important because needs change over time, while the wording of the law remains the same (Hapsoro & Ismail, 2020; Madra et al., 2021). This method is used by judges when analyzing cases that

involve various disciplines or areas of specialization within the field of law, such as civil law, criminal law, administrative law, or international law. Judges will interpret based on the harmonization of logic derived from the principles of more than one branch of specialization. For example, when interpreting the principles of articles relating to corruption crimes, judges can interpret the provisions of these articles from various perspectives, namely criminal law, administrative law, and civil law. This method, according to Ahmad Rifai, is almost synonymous with systematic interpretation, as judges in performing both interpretations utilize multiple disciplines of legal science or applicable laws and regulations within a country's legal system, such as criminal law, civil law, administrative law, constitutional law, tax law, investment law, labor law, Islamic economic law, and so on.

Multidisciplinary interpretation requires judges to also study one or more disciplines outside of law (Anisa, 2024; Priharsari, 2022). In other words, judges need verification and assistance from other disciplines to deliver fair judgments and provide certainty to those seeking justice. In the future, multidisciplinary interpretation is likely to become more common, given the increasing diversity and emergence of criminal cases in the current global era. Examples include cybercrime, financial crime, white-collar crime, terrorism, and others. Thus, multidisciplinary interpretation can be used by judges in addressing issues related to various fields of knowledge that are not directly connected to legal science. However, due to the nature of the case being examined, judges may require clarity regarding the meaning of legal regulations or the actions of the defendant. In such cases, judges may seek assistance from experts in relevant fields to help clarify these matters. and such testimony is typically presented in court in the form of expert testimony, which serves as one of the pieces of evidence in criminal cases.

Comparative interpretation is a method of interpretation that involves comparing different legal systems (Batubara, 2024). The purpose of comparison is to clarify the meaning of a provision of legislation. This interpretation method is used by judges when dealing with cases that use positive law based on international legal agreements. This is important because consistent implementation realizes legal unity, which gives rise to international agreements as objective law or as general legal rules for several countries. Outside of international treaty law, the usefulness of this method is limited. For example, when a dispute arises in an economic transaction, such as a term in a commercial contract between an Indonesian goods producer and a foreign buyer, the judge must determine the meaning of the disputed term according to Indonesian law and according to the law of the buyer's country. for example, an Australian buyer, the judge will compare the disputed terms according to Indonesian law and Australian law.

Futuristic (anticipatory) interpretation, based on a draft bill in his possession, a judge interprets the law based on legislation that has not yet entered into force because it is still in the legislative process, has not been enacted, and may undergo changes (Junaidi, 2024; Rahayu et al., 2023). The judge is confident that the draft legislation will soon be enacted, so they anticipate this by conducting a futuristic or anticipatory interpretation. Thus, futuristic interpretation is an anticipatory method of legal discovery that explains the current law (*ius constitutum*) based on laws that have not yet entered into force (*ius constituendum*). For example, a draft law that is still under discussion in the House of Representatives, but the judge is confident that the draft law will be enacted (political assumption).

A verdict is the crown of a judge in examining and adjudicating a case (Suprianto, 2022). With his verdict, a judge risks his entire personal capacity and honor. This is because a verdict is the final and highest work of a judge in carrying out his professional duties to resolve disputes between litigants. On that basis, a judge must exert all their abilities and potential in drafting a judgment, whether by

referring to written laws or by examining the events that form the case, negotiating between the events, laws, and circumstances through legal interpretation to produce the best possible judgment, which, although it may not satisfy all parties, but can be justified before society, science, and especially before their Creator (Rayfindratama, 2023).

Another example of the application of legal interpretation can be found in a judge's decision to provide child support for children of divorced couples, considering that the divorce suit filed by the wife was limited to divorce and *badanah* (Mardhotillah et al., 2024; Wibowo, 2025). However, since judges have ex officio authority, cases outside the scope of the filed lawsuit can be decided by considering various aspects of justice for both parties. Thus, this event also constitutes a method of legal interpretation in family law (Islamic) matter.

Another case can also be examined regarding a judge's decision to impose a heavier sentence on repeat offenders or individuals who commit multiple crimes at the same time, not only with the heaviest sentence but also with a more severe absorption sentence. And other recent events that require justice for the general public, not just justice in the eyes of the “users/rulers” of the law. Application in Islamic Economic Law The field of Islamic economics continues to experience dynamic development. Moreover, activities in the field of Islamic economics fall under the scope of *muamalah* (transactions), and since this is a matter of public concern, the presence of law is necessary to regulate the operation of Islamic economics or business so that it can run effectively, efficiently, and remain in line with Islamic values (Engkizar et al., 2021).

In the Islamic legal system, the laws governing *muamalah* also originate from several sources of law, namely the Quran, Hadith, and *ijtihad*. These three sources have different characteristics. The Quran and Hadith are fixed, while *ijtihad* tends to be dynamic and contextual (Abdullah & Wijaya, 2019; Imratun et al., 2021). Given the rapid development of the field of Islamic economics, *ijtihad*, by its nature, appears to play an important role in providing a foundation or framework for practice in the field of Islamic economics.

*Ijtihad* is one of the sources of Islamic law, whose formation is motivated by developments in society, where various issues arise that have not all been clearly addressed by the verses of the Quran and the Hadith of the Prophet. To respond to this situation, scholars strive to create legal products through serious intellectual effort and through the process of interpretation. By nature, it can be said that *ijtihad* is a dynamic and contextual legal product. This means that *ijtihad* is always motivated by the demand that the law must be able to answer various problems that arise as times change and time passes (Engkizar et al., 2025).

Islamic law in the category of sharia is *tsabat* (constant, fixed), meaning that it remains universally applicable throughout time, does not change, and cannot be adapted to situations and conditions (Poli et al., 2024; Kisdiyanti & Zafi, 2020). Situations and conditions must adapt to sharia. Meanwhile, Islamic law in the category of *fiqh* is flexible and adaptable, does not necessarily apply universally, allows for adaptation, and can be adjusted to suit specific circumstances and conditions. Nevertheless, as a divine revelation, Islamic law in both its forms possesses characteristics that generally differ from cultural law (*bukemu wad'i*, a product of human creation).

## CONCLUSION

The legal relationship with society is reciprocal; sometimes the law influences society and vice versa, society influences the law. However, due to the value of legal certainty in a fixed rule that has been codified in the form of legislation, sometimes the law is understood in a static and rigid manner, so that it is unable to provide justice and benefit in certain cases. Therefore, the formulated law sometimes requires interpretation by judges to fulfill the elements of justice in the ever-evolving life of society. Thus, it can be said that the method of interpretation is one of several methods for finding law that has the values of justice and public welfare, particularly methods that judges must master in their proceedings, including grammatical, historical, systematic, extensive, restrictive, valid, teleological, interdisciplinary, multidisciplinary, comparative, and futuristic interpretations. In terms of relevance, legal interpretation methods are highly significant for the development of law characterized by certainty, justice, and public welfare, such as in the fields of Islamic family law and Islamic economics. The role of religious courts has become increasingly central in resolving issues of public welfare and ensuring justice in every dispute brought before them.

## REFERENCES

- Abdul Jalil, A. J., Siskawati, F. S. S., & Rawati, T. N. I. (2023). Analisis Kemampuan Berpikir Kritis Siswa Ditinjau Dari Gaya Belajar. *Edukasi*, 11(2), 166–181. <https://doi.org/10.61672/judek.v11i2.2678>
- Abdul Rivai Poli, Misbahuddin, & Kurniati. (2024). Karakteristik dan Pendekatan Aspek Sosial Hukum Islam, Fungsi, Tujuan Hukum Islam serta Korelasinya dengan Pembinaan Masyarakat. *Al-Ubudiyah: Jurnal Pendidikan Dan Studi Islam*, 5(2), 1–13. <https://doi.org/10.55623/au.v5i2.335>
- Abdullah, Z., & Wijaya, E. (2019). Dinamika Penerapan Ijtihad Bidang Hukum Ekonomi Syariah Di Indonesia. *Jurnal Hukum & Pembangunan*, 49(2), 299. <https://doi.org/10.21143/jhp.vol49.no2.2004>
- Aisi, R. R. (2024). Keberadaan Ekonomi Islam dan Praktik Ekonomi Islam Pada Masa Rasulullah SAW. *Jurnal Ilmiah Research Student*, 1(3), 368. <https://doi.org/10.61722/jirs.v1i3.611>
- Al Kautsar, I., & Muhammad, D. W. (2022). Sistem Hukum Modern Lawrance M. Friedman: Budaya Hukum dan Perubahan Sosial Masyarakat dari Industrial ke Digital. *Sapientia Et Virtus*, 7(2), 84–99. <https://doi.org/10.37477/sev.v7i2.358>
- Alva Dio Rayfindratama. (2023). Kebebasan Hakim Dalam Menjatuhkan Putusan Di Pengadilan. *Birokrasi: JURNAL ILMU HUKUM DAN TATA NEGARA*, 1(2), 1–17. <https://doi.org/10.55606/birokrasi.v1i2.409>
- Amanda Dea Lestari & Bustanuddin. (2021). Putusan Ultra Petita Mahkamah Konstitusi: Memahami Fenomena Holistik Penemuan Hukum (Rechtsvinding) Yang Progresif. *Limbago: Journal of Constitutional Law*, 1(1), 1–20. <https://doi.org/10.22437/limbago.v1i1.8635>
- Anisa, L. N. (2024). *Transeksualisme: perspektif multidisipliner*. *Humanistika: Jurnal Keislaman*. 10(2), 233–252. <https://doi.org/10.55210/humanistika.v10i2.1749>

- Anto, F., Nur Widyaningsih, F., Suratman, S., & Muhibbin, M. (2022). Ratio Legis Unsur Tanpa Hak Dalam Perundangan Tentang Penggunaan Senjata Tajam Di Indonesia. *Nuansa Akademik: Jurnal Pembangunan Masyarakat*, 7(2), 315–326. <https://doi.org/10.47200/jnajpm.v7i2.1328>
- Arif, K. M. (2020). Islamic Moderation Concepts in Thought. *Millah: Journal of Religious Studies*, 19(2), 307–344. <https://doi.org/10.20885/millah.vol19.iss2.art6>
- Azharie, A. (2023). Pemanfaatan Hukum sebagai Sarana untuk Mencapai Keadilan Sosial. *Lex Aeterna Law Journal*, 1(2), 72–90. <https://doi.org/10.69780/lexaeternalawjournal.v1i2.20>
- Batubara, R. (2024). Peranan Interpretasi Hukum dalam Praktik Peradilan di Indonesia. *El-Sirry: Jurnal Hukum Islam Dan Sosial*, 2(1), 71–92. <https://doi.org/10.24952/ejhis.v2i1.11384>
- Cecep Cahya Supena. (2022). Manfaat Penafsiran Hukum Dalam Rangka Penemuan Hukum. *Moderat: Jurnal Ilmiah Ilmu Pemerintahan*, 8(2), 427–435. <https://doi.org/10.25157/moderat.v8i2.2714>
- Ekawati, D. (2023). Model of the Indonesian Legal System. *Jurnal Kewarganegaraan*, 7(2), 2033–2043. <https://doi.org/10.31316/jk.v7i2.5585>
- Engkizar, E., Jaafar, A., Hamzah, M. I., Langputeh, S., Rahman, I., & Febriani, A. (2025). Analysis Problems of Quranic Education Teachers in Indonesia: A Systematic Literature Review. *International Journal of Islamic Studies Higher Education*, 4(2), 92–108. <https://doi.org/10.24036/insight.v4i2.232>
- Engkizar, E., Jaafar, A., Masuwd, M. A., Rahman, I., Datres, D., Taufan, M., Akmal, F., Dasrizal, D., Oktavia, G., Yusrial, Y., & Febriani, A. (2025). Challenges and Steps in Living Quran and Hadith Research: An Introduction. *International Journal of Multidisciplinary Research of Higher Education (IJMURHICA)*, 8(3), 426–435. <https://doi.org/10.24036/ijmurhica.v8i3.396>
- Engkizar, E., K, M., Kaputra, S., Arifin, Z., Syafril, S., Anwar, F., & Mutathahirin, M. (2021). Building of Family-based Islamic Character for Children in Tablighi Jamaat Community. *Ta'dib*, 24(2), 299. <https://doi.org/10.31958/jt.v24i2.4847>
- Engkizar, E., Kaputra, S., Mutathahirin, M., Syafril, S., Arifin, Z., & Kamaluddin, M. (2022). Model Pencegahan Konflik Antarumat Beragama Berbasis Kegiatan Masyarakat. *Harmoni*, 21(1), 110–129. <https://doi.org/10.32488/harmoni.v21i1.603>
- Fuad, Z., Harahap, M. Y., & Al Faruq, A. M. (2022). Perlindungan Hukum Terhadap Muallaf Di Pematangsiantar Perspektif UU No. 39 Tahun 1999 Tentang Hak Asasi Manusia. *Nuansa Akademik: Jurnal Pembangunan Masyarakat*, 7(1), 143–156. <https://doi.org/10.47200/jnajpm.v7i1.1151>
- Hapsoro, F. L., & Ismail. (2020). “Interpretation of the Constitution for Constitutionality Testing to Create the Living Constitution.” *Jambura Law Review*, 2(2), 139–160. <https://doi.org/10.33756/jlr.v2i2.5644>
- Harini, M., & Rahmat, D. (2025). Peran Hakim Pada Proses Penemuan Hukum Sebagai Upaya Penegakan Keadilan Berdasarkan Kode Etik Hakim. *Journal Evidence Of Law*, 4(1), 207–230. <https://doi.org/10.59066/jel.v4i1.1097>
- Hayatun Nisa, R., & Barirah, A. (2025). Literature Review tentang Sistem dan Klasifikasi Hukum di Indonesia. *Jejak Digital: Jurnal Ilmiah Multidisiplin*, 1(3), 273–280. <https://doi.org/10.63822/mk988n78>
- Hidayatulah, R. P. (2020). Penemuan Hukum Oleh Hakim Perspektif Maqashid Syariah. *Teraju*, 2(01), 83–97. <https://doi.org/10.35961/teraju.v2i01.94>

- Hutapea, D. T., Koto, Z., & Syafruddin, S. (2024). Kebijakan Polri dalam Upaya Mengefektifkan Penerapan Konsep Hukum Pidana Baru dalam UU RI Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana. *Jurnal Ilmu Kepolisian*, 18(1). <https://doi.org/10.35879/jik.v18i1.445>
- Irawan, A., & Haris, M. (2022). Urgensi Peraturan Daerah Bantuan Hukum bagi Masyarakat Miskin dan Kelompok Rentan di Daerah Istimewa Yogyakarta. *Nuansa Akademik: Jurnal Pembangunan Masyarakat*, 7(1), 35–54. <https://doi.org/10.47200/jnajpm.v7i1.1123>
- Irawan, H. (2023). Membangun Generasi Berkualitas Melalui Pendidikan Kesadaran Dan Kepatuhan Hukum. *Jurnal Sutasoma*, 2(1), 27–36. <https://doi.org/10.58878/sutasoma.v2i1.248>
- Isroji, I., & Najib, A. M. (2022). Peraturan Daerah Bernuansa Syari'ah Di Indramayu Dan Tasikmalaya: Agama, Politik Lokal Dan Ancaman Disintegrasi. *Ulumuddin: Jurnal Ilmu-Ulmu Keislaman*, 12(2), 247–272. <https://doi.org/10.47200/ulumuddin.v12i2.1210>
- Junaidi, W. N. (2024). Penafsiran Hukum Futuristik pada Putusan Mahkamah Konstitusi Nomor 29,51,55/PUU-XXI/2023. *Manabia: Journal of Constitutional Law*, 4(02), 301–320. <https://doi.org/10.28918/manabia.v4i02.9255>
- Kaputra, S., Engkizar, E., Akyuni, Q., Rahawarin, Y., & Safarudin, R. (2021). Dampak Pendidikan Orang Tua Terhadap Kebiasaan Religius Anak Dalam Keluarga Jama'ah Tabligh. *Al-Tadzkiyyah: Jurnal Pendidikan Islam*, 12(2), 249–268. <https://doi.org/10.24042/atipi.v12i2.9979>
- Karyudi, B. M., & Firdausiah, N. (2024). Implementasi Supremasi Hukum Dalam Penegakan Hukum Di Indonesia. *Lex Et Iustitia*, 1(2), 86–98. <https://doi.org/10.70079/lel.v1i2.72>
- Kirom, S., & Nadirin, A. (2023). Penerapan Keadilan Hukum di Indonesia Dalam Perspektif Filsafat Hukum. *Mahkamah: Jurnal Kajian Hukum Islam*, 8(2), 177. <https://doi.org/10.24235/mahkamah.v8i2.15712>
- Kisdiyanti, A. A., & Zafi, A. A. (2020). Pendekatan Teologis Dalam Memahami Maksud Syariat Dan Hukum Yang Tidak Disepakati. *Incare*, 1(1), 45–60. <https://doi.org/10.59689/incare.v1i1.50>
- Kurniadinata, A. S., & Wiguna, S. (2020). Penerapan Kompilasi Hukum Islam Pasal 53 Dalam Pelaksanaan Pencatatan Pernikahan oleh PPN pada Kantor Urusan Agama (KUA) di Kecamatan Tanjung Pura. *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 2(2), 262–273. <https://doi.org/10.47467/as.v2i2.737>
- Laili, R. N., & Santoso, L. (2020). Analisis Penolakan Isbat Nikah Perspektif Studi Hukum Kritis. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 3(1), 1–34. <https://doi.org/10.37680/almanhaj.v3i1.566>
- Lubis, A. H., & Purba, R. J. (2025). *Interpretasi Hukum Terhadap Frasa Pemeriksaan Calon Tersangka Pada Ratio Decidendi Putusan Mahkamah Konstitusi Nomor 21 / PUU-XII / 2014 Dalam Dinamika Praperadilan di Indonesia* (Vol. 06, Issue 02, pp. 244–255). <https://doi.org/10.54209/judge.v6i02.1374>
- M. Taufiq. (2021). Konsep dan Sumber Hukum: Analisis Perbandingan Sistem Hukum Islam dan Sistem Hukum Positif. *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 5(2), 87–98. <https://doi.org/10.35316/istidlal.v5i2.348>
- Madra, G. S. A., Mangku, D. G. S., & Hartono, M. S. (2021). Interpretasi Unsur Iktikad Baik Dalam Ketentuan Pasal 27 Ayat 2 Undang-Undang Penanganan Covid-19. *Jurnal Komunitas Yustisia*, 3(3), 176–186. <https://doi.org/10.23887/jatayu.v3i3.32863>

- Mardhotillah, D. A., Johari, J., & Wahidin, W. (2024). Nafkah Anak dalam Perkara Cerai Pasca Sema No. 4 Tahun 2016 Pada Pengadilan Agama Bangkinang. *USRATY: Journal of Islamic Family Law*, 2(1), 48–56. <https://doi.org/10.30983/usraty.v2i1.8416>
- Mulyatno, A. D. (2022). Kewenangan Kurator Untuk Mengurus Perseroan Terbatas Pailit. *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan*, 1(2), 155–178. <https://doi.org/10.47200/awtjhpasa.v1i2.1280>
- Priharsari, D. (2022). Sistem Informasi Sebagai Keilmuan Yang Multidisipliner. *Jurnal Sistem Informasi, Teknologi Informasi, Dan Edukasi Sistem Informasi*, 3(1). <https://doi.org/10.25126/justsi.v3i1.85>
- Rahayu, S. L., Mulyanto, M., & Prabowo, R. P. (2023). Optimalisasi Perlindungan Hukum Hak Indikasi Geografis Produk Masyarakat Adat Sebagai Upaya Meningkatkan Kesejahteraan Masyarakat. *Jurnal Hukum Dan Pembangunan Ekonomi*, 11(2), 317. <https://doi.org/10.20961/hpe.v11i2.82670>
- Rasji, & Harmono, H. (2024). Problematika Pertimbangan Hukum Oleh Hakim dalam Mewujudkan Keadilan di Masyarakat. *Jurnal Hukum Lex Generalis*, 5(10), 5. <https://doi.org/10.56370/jhlg.v5i10.939>
- Rizani, R., Jalaluddin, J., Azhari, F., & Hamdi, F. (2024). Istinbath Hukum Islam Masa Kenabian dan Sahabat: Sejarah, Karakteristik, dan Metode Ijtihad dalam Membentuk Hukum Islam. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(2), 619–644. <https://doi.org/10.62976/ijjel.v2i2.540>
- Rosidi, A., Zainuddin, M., & Arifiana, I. (2024). Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research). *Journal Law and Government*, 2(1), 46. <https://doi.org/10.31764/jlag.v2i1.21606>
- S, C. D., Sandela, I., Basri, B., & Sani, A. (2023). Teknik Pembuktian Gratifikasi Seks dalam Tindak Pidana Korupsi. *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan*, 7(1), 1. <https://doi.org/10.35308/jic.v7i1.7575>
- Saadah, N., Umar, M. H., & Ramlah. (2023). Hukum Islam Dan Dinamika Sosial . *Jurnal Indragiri Penelitian Multidisiplin*, 3(1), 57–65. <https://doi.org/10.58707/jipm.v3i1.415>
- Saleh, K., Agusta, M., & Weni, W. (2020). Hukum Dan Masyarakat Dalam Perspektif Sosiologi Hukum. *Datin Law Jurnal*, 1(2). <https://doi.org/10.36355/dlj.v1i2.454>
- Suhartanto, F., & Febriyanti, Y. (2024). Perbandingan Sistem Hukum Civil Law dan Common Law. *Jurnal Ilmu Hukum Pertanahan, Hukum Dan Ilmu Komunikasi*, 3(1), 72–83. <https://doi.org/10.62383/konsensus.v1i3.218>
- Suprianto, A. (2022). Mediasi Pembagian Harta Bersama dalam Putusan Pengadilan Agama Sleman Nomor 413/Pdt.G/2015/PA. Smn. *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan*, 1(2), 179–200. <https://doi.org/10.47200/awtjhpasa.v1i2.1291>
- Susetiyo, W. (n.d.). Pendekatan Hermeneutika Hukum: Metode Interpretasi untuk Memahami Makna Hukum Secara Holistik. *Jurnal Supremasi*, 148–159. <https://doi.org/10.35457/supremasi.v15i1.4170>
- Suyatno. (2019). Kelemahan Teori Sistem Hukum Menurut Lawrence M.Friedman dalam Hukum Indonesia. *Ius Facti: Jurnal Berkala Fakultas Hukum Universitas Bung Karno*, 2(1), 201. <https://doi.org/10.61802/if.v2i1>
- Vidiawati, A. C., & Fathurrohman, S. (2025). PEMAKNAAN STATUS PENYEDIA TEMPAT PROSTITUSI ONLINE (Studi Pasal 296 Kitab Undang-Undang Hukum Pidana). *Mizan: Jurnal Ilmu Hukum*, 13(2), 267. <https://doi.org/10.32503/mizan.v13i2.6587>

- Wibowo A. F. K., M. K. B. A.-P. (2025). Analisis Pertimbangan Hakim Dalam Menentukan Nominal Nafkah Istri dan Anak Akibat Cerai Talak. *Jurnal Tana Mana*, 6(1), 282–291. <https://doi.org/10.33648/jtm.v6i1.990>
- Zalikha, S. (2025). Menjaga Kesucian Pakaian Sebagai Wujud Kepatuhan Hukum Islam dan Upaya Meningkatkan Kesadaran Keagamaan Wanita Muslimah. *Ameena Journal*, 3(1), 1–11. <https://doi.org/10.63732/aij.v3i1.149>
- Zia, H., Sari, N., & Erlita, A. V. (2020). Pranata Sosial, Budaya Hukum Dalam Perspektif Sosiologi Hukum. *Datin Law Jurnal*, 1(2). <https://doi.org/10.36355/dlj.v1i2.451>

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