

Integration of *Uṣūl al-Fiqh* in the Indonesian Legal System: A Study on the Role of the Indonesian Republic Supreme Court

Arip Purkon

Faculty of Shariah and Law , Universitas Islam Negeri Syarif Hidayatullah Jakarta

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ABSTRACT

This article examines the integration of uṣūl al-fiqh principles in the Indonesian legal system through the role of the Indonesian Republic Supreme Court as the highest judicial institution. The study focuses on how the Supreme Court adopts and applies the concepts of maqāṣid al-sharī'ah, maṣlaḥah, qiyās, and istiḥsān in judicial reasoning and the development of jurisprudence. This research employs a normative legal research method using conceptual and case approaches. Data were collected through library research, including the study of uṣūl al-fiqh literature, statutory regulations, and an analysis of selected Supreme Court decisions concerning Islamic family law and Islamic economic law. The findings demonstrate that the Supreme Court does not merely apply positive law textually but also employs the principles of uṣūl al-fiqh as a basis for legal reasoning to achieve substantive justice and public welfare. This integration is evident in cases involving interfaith inheritance, marriage annulment, and Islamic economic disputes. Although challenges remain, including legal pluralism, the predominance of positivistic legal approaches, and the limited methodological understanding of some judicial officers, the integration of uṣūl al-fiqh

holds significant potential to strengthen the harmonization of Islamic law and the national legal system. This study concludes that the Supreme Court has played a pivotal role in developing jurisprudence that is adaptive, inclusive, and oriented toward the objectives of Islamic law within the framework of Indonesia's constitutional state.

ABSTRAK

Artikel ini mengkaji integrasi prinsip-prinsip *uṣūl al-fiqh* dalam sistem hukum Indonesia melalui peran Mahkamah Agung Republik Indonesia sebagai lembaga peradilan tertinggi. Penelitian ini berfokus pada bagaimana Mahkamah Agung mengadopsi dan menerapkan konsep *maqāṣid al-sharī'ah*, *maṣlaḥah*, *qiyās*, dan *istiḥsān* dalam penalaran hukum dan pengembangan yurisprudensi. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan konseptual dan pendekatan kasus. Data diperoleh melalui studi kepustakaan, yang mencakup kajian terhadap literatur *uṣūl al-fiqh*, peraturan perundang-undangan, serta analisis terhadap sejumlah putusan Mahkamah Agung yang berkaitan dengan hukum keluarga Islam dan hukum ekonomi syariah. Hasil penelitian menunjukkan bahwa Mahkamah Agung tidak hanya menerapkan hukum positif secara tekstual, tetapi juga menggunakan prinsip-prinsip *uṣūl al-fiqh* sebagai landasan penalaran hukum untuk mewujudkan keadilan substantif dan kemaslahatan masyarakat. Integrasi tersebut terlihat dalam perkara waris lintas agama, pembatalan perkawinan, dan sengketa ekonomi syariah. Meskipun masih menghadapi sejumlah tantangan, termasuk pluralisme hukum, dominasi pendekatan hukum positivistik, dan keterbatasan pemahaman metodologis sebagian aparat peradilan, integrasi *uṣūl al-fiqh* memiliki potensi yang signifikan untuk memperkuat harmonisasi antara hukum Islam dan sistem hukum nasional. Penelitian ini menyimpulkan bahwa Mahkamah Agung telah memainkan peran penting dalam mengembangkan yurisprudensi yang adaptif, inklusif, dan berorientasi pada tujuan hukum Islam dalam kerangka negara hukum Indonesia.

INTRODUCTION

Over the past few decades, Indonesia has experienced a dynamic process of integrating the principles of *uṣūl al-fiqh* into its national legal framework. The Indonesian Republic Supreme Court has played a strategic role in harmonizing Islamic law with the state's positive legal system through procedural instruments such as Supreme Court Regulations (Peraturan Mahkamah

*Corresponding Author

Email: arip.purkon@uinjkt.ac.id

Agung/Perma), Supreme Court Circular Letters (Surat Edaran Mahkamah Agung/SEMA), and the development of jurisprudence grounded in religious legal reasoning (Cammack & Feener, 2012).

Indonesia's legal system reflects a pluralistic heritage that encompasses the Dutch colonial civil law tradition (*civil law*), customary law (*adat*), and Islamic law through the existence of the Religious Courts. The Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*) represents a codification of *fiqh* principles formally applied in cases involving marriage, inheritance, and *waqf* (Anggraeni, 2023).

The integration process gained further momentum following the enactment of Law No. 3 of 2006, which amended Law No. 7 of 1989. This amendment expanded the jurisdiction of the Religious Courts to adjudicate Islamic economic disputes, including *mu'āmalah* contracts based on Islamic legal principles, thereby reflecting the state's recognition of the legal structure of *fiqh* (Alfitri, 2007). The Supreme Court has further facilitated this integration through the development of jurisprudence and interpretive guidelines. It has issued various *Perma* and *SEMA* that support the advancement of Islamic law, demonstrating the institution's openness to synthesizing religious law with state law (van Huis, 2024).

From an ontological perspective, this integration enables the development of a contextual and localized *fiqh*. The reform of Islamic law in Indonesia illustrates the dialectical interaction between the normative ideals of *sharī'ah* and the sociological realities of society (*urf*), producing legal norms that are both culturally relevant and legally legitimate (Aziz et al., 2026). This contextualization is consistent with the concept of *maṣlaḥah* in *uṣūl al-fiqh*, which emphasizes the promotion of public welfare as the foundation of legal derivation (*istinbāt*). This principle has become increasingly significant in contemporary legal discourse, particularly in bridging Islamic law with the demands of the modern state (Auda, 2008).

Constitutionally, the existence of Islamic law within Indonesia's legal system is supported by the first principle of *Pancasila*, Belief in the One and Only God, and Article 29 of the 1945 Constitution. Although Indonesia is not an Islamic state, Islamic law has been selectively integrated through the Religious Courts, the fatwas of the Indonesian Council of Ulama (*Majelis Ulama Indonesia/MUI*), and sector-specific legislation.

Nevertheless, efforts to constitutionally formalize *sharī'ah* have not progressed significantly. Several studies indicate that Indonesia has instead adopted a moderate and pluralistic approach through the concept of "Islam Nusantara," which promotes Islamic values while remaining consistent with the nation's ideological foundations (Feener, 2013). Within this context, examining the role of the Supreme Court in integrating the principles of *uṣūl al-fiqh* is of considerable importance. Such an examination concerns not only how *fiqh*-based arguments are incorporated into judicial decisions but also how the theoretical foundations of Islamic law are harmonized with the doctrines of the national legal system.

This article aims to: (a) identify how the Supreme Court adopts the principles of *uṣūl al-fiqh*, particularly *maṣlaḥah*, *qiyās*, and *ijmā'*, in its judicial decisions; (b) evaluate the constitutional relevance of this integration; (c) address the research questions concerning which principles of *uṣūl al-fiqh* are most frequently applied and in what legal contexts; and (d) provide recommendations for strengthening the doctrinal coherence between Islamic legal theory and the practice of Indonesia's national judiciary.

THEORETICAL FRAMEWORK

Uṣūl Al-Fiqh and The National Legal System

Uṣūl al-fiqh, or the principles of Islamic legal theory, is a scholarly discipline within the Islamic legal tradition that examines the methodology for deriving and establishing legal rulings from the recognized sources of *Sharī'ah*. It serves as the theoretical foundation for the process of *istinbāt al-aḥkām* (legal deduction) from the Qur'an, the Sunnah, *ijmā'* (scholarly consensus), and *qiyās* (analogical reasoning). Hallaq describes *uṣūl al-fiqh* as *the science of Islamic legal theory*, which defines the boundaries, methodologies, and legal logic underlying Islamic jurisprudence (Hallaq, 2009).

Uṣūl al-fiqh extends beyond identifying the sources of law by establishing linguistic principles, epistemological foundations, and the fundamental rules of legal reasoning. It

encompasses analyses of textual clarity (*zāhir*), analogical reasoning (*qiyās*), scholarly consensus (*ijmāʿ*), and interpretive methods such as *istiḥsān* (juristic preference) and *istiṣlāḥ* (consideration of public interest). Owing to its broad scope, *uṣūl al-fiqh* is widely regarded as a methodological framework capable of adapting to changing social conditions (Kamali, 2003).

Among the core principles of *uṣūl al-fiqh*, the concept of *maqāṣid al-sharīʿah* occupies a central position in contemporary Islamic legal thought. *Maqāṣid* refers to the higher objectives of Islamic law, namely the protection of religion, life, intellect, lineage, and property. Auda (2008) argues that the *maqāṣid* approach offers a systemic framework that balances normative Islamic values with the demands of modern realities (Auda, 2008). Another fundamental principle is *qiyās* (analogical reasoning), which enables legal rulings to be extended to new cases that are not explicitly addressed in the primary legal texts. Within modern legal systems, *qiyās* is comparable to the methods of analogical reasoning or case-based reasoning commonly recognized in the Western legal tradition (Abdal-Haqq, 2002).

Istiḥsān (juristic preference) is another significant method that reflects the flexibility of Islamic law in accommodating considerations of justice, necessity, and public welfare in legal decision-making. Together with *maṣlaḥah mursalah* (unrestricted public interest), *istiḥsān* contributes to the development of an Islamic legal system that is responsive to contemporary developments and diverse social contexts (Kamali, 2003; Auda, 2008).

Within the Indonesian context, an understanding of *uṣūl al-fiqh* is essential for evaluating how these principles can be incorporated into the national legal system. Indonesia possesses a pluralistic legal system consisting of three principal components: the *civil law* tradition inherited from the Dutch colonial period, customary law (*adat*), and Islamic law. Each component has distinct characteristics while interacting dynamically with the others (Anggraeni, 2023).

Indonesia's *civil law* system originates from the Dutch legal tradition, which is based on codification whereby legal rules are formally enacted in comprehensive statutory legislation. This characteristic may at times limit the scope of normative interpretation, in contrast to the greater flexibility offered by *fiqh* and the *maqāṣid*-based approach (Butt & Lindsey, 2012).

Indonesian customary law has evolved locally and is generally uncoded, yet it remains deeply embedded in social practice. In many instances, customary law demonstrates substantial compatibility with Islamic values, particularly regarding deliberation (*musyawarah*), restorative justice, and communal interests. This synergy between customary law and Islamic law creates broader opportunities for legal integration at the grassroots level (Bowen, 2003).

Islamic law in Indonesia is primarily accommodated through the Religious Courts and sector-specific legislation such as the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*). In practice, classical *fiqh* continues to serve as the principal legal reference. Nevertheless, the influence of *uṣūl al-fiqh* in legislative and judicial processes has grown, particularly with the increasingly significant roles of the Supreme Court and the Constitutional Court in interpreting legal norms based on Islamic principles (van Huis, 2024).

Accordingly, the theoretical framework of *uṣūl al-fiqh* provides a relevant analytical instrument for understanding the integration of Islamic law into Indonesia's national legal system. Through its flexible yet systematic methodology, *uṣūl al-fiqh* offers a means of bridging religious texts, social realities, and the pluralistic legal order of the Indonesian state.

RESEARCH METHOD

This study employs a normative legal research or doctrinal legal research method focusing on the examination of legal norms, the theory of *uṣūl al-fiqh*, and judicial practice in Indonesia. Three complementary research approaches are adopted. First, the statutory approach examines legislation concerning the authority of the Supreme Court, the Religious Courts, the Compilation of Islamic Law, and regulations governing Islamic economic law. Second, the conceptual approach is employed to analyze the principal concepts of *uṣūl al-fiqh*, including *maqāṣid al-sharīʿah*, *maṣlaḥah mursalah*, *qiyās*, and *istiḥsān*, which constitute the theoretical framework of this study. Third, the case approach involves an analysis of selected decisions of the Supreme Court of the Republic of Indonesia to examine the application of these principles in judicial practice.

The research data consist of primary legal materials, including statutory regulations and court decisions, as well as secondary legal materials, such as books, scholarly journal articles, and previous studies relevant to Islamic law and Indonesia's national legal system. Data were collected through library research, while the analysis employed a descriptive analytical method by interpreting and correlating the principles of *uṣūl al-fiqh* with the legal reasoning articulated in Supreme Court decisions.

RESULT AND DISCUSSION

The Role of The Supreme Court in Islamic Law Enforcement

The Supreme Court of the Republic of Indonesia is the highest judicial authority within the national legal system, vested with jurisdiction over cassation appeals, judicial review (*Peninjauan Kembali*/PK), and the supervision of judicial administration across all branches of the judiciary. Pursuant to Article 24A of the 1945 Constitution, the Supreme Court has the authority to render final decisions in all judicial jurisdictions, including the Religious Courts, which adjudicate cases based on Islamic law (Lindsey & Butt, 2018).

The authority of the Supreme Court extends beyond its judicial functions to encompass administrative and regulatory responsibilities. Administratively, the Court is empowered to regulate judicial procedures through instruments such as Supreme Court Regulations (*Peraturan Mahkamah Agung/Perma*) and Supreme Court Circular Letters (*Surat Edaran Mahkamah Agung/SEMA*). These instruments play an important role in establishing standards of judicial practice, including in cases involving Shari'ah-based legal norms (Cammack & Feener, 2012).

Since the judicial reforms initiated in 2004, the position of the Supreme Court as the holder of judicial power has been further strengthened through Law No. 48 of 2009. Within this framework, the Supreme Court has become the principal institution responsible for ensuring that the judicial system operates in accordance with the principles of justice, including in cases arising from Islamic law (Cammack & Feener, 2012).

Within the Religious Court system, the Supreme Court exercises supervisory authority over decisions rendered by both first-instance and appellate Religious Courts. Its jurisdiction covers matters relating to inheritance, marriage, divorce, and Islamic economic law. All cases brought before the Court on cassation are resolved through final and binding decisions that serve as authoritative legal precedents (Alfitri, 2007).

The influence of Islamic law in Supreme Court decisions is reflected in the Court's willingness to adopt *fiqh* principles through contextual interpretation. In several cases, the Supreme Court has relied on the principles of *maṣlaḥah* (public interest) and *'urf* (customary practice) to develop jurisprudence that is responsive to the social realities of Indonesia's Muslim community (Salim, 2008).

Over the past several decades, religious fatwas, particularly those issued by the Indonesian Council of Ulama (*Majelis Ulama Indonesia*/MUI) have assumed an increasingly important role in judicial reasoning, especially in the field of Islamic finance. Although these fatwas do not possess binding legal force, they frequently serve as persuasive legal authorities in Supreme Court decisions (Hooker, 2008).

One notable example is the recognition of fatwas issued by the National Shari'ah Council of the Indonesian Council of Ulama (*Dewan Syariah Nasional Majelis Ulama Indonesia*/DSN-MUI) as authoritative references in resolving Islamic economic disputes. Supreme Court Regulation (*Perma*) No. 2 of 2008 stipulates that judges adjudicating Islamic banking disputes must refer to the fatwas of the DSN-MUI. This provision reinforces the institutional position of Islamic law within Indonesia's national legal framework (Cammack & Feener, 2012).

The influence of religious fatwas is also evident in inheritance cases. In several decisions, the Supreme Court has recognized the doctrine of *waṣiyyah wājibah* (mandatory bequest) for non-Muslim heirs, drawing upon contemporary *ijtihād* and scholarly legal opinions while emphasizing the principles of justice and public welfare (Salim, 2008).

Furthermore, the Supreme Court has contributed to the development of progressive Islamic jurisprudence, which may be regarded as a contemporary manifestation of classical *uṣūl al-fiqh* principles such as *istiḥsān* (juristic preference) and *maqāṣid al-shari'ah* (the higher

objectives of Islamic law). This approach promotes a mode of legal reasoning that transcends literal textual interpretation and instead focuses on the moral objectives and underlying purposes of Islamic law (Auda, 2008; Kamali, 2006).

This body of jurisprudence has gradually become an important source of authority within Indonesia's national legal system. Lower courts frequently cite Supreme Court cassation decisions incorporating *fiqh* principles and Shari'ah-based legal reasoning as persuasive precedents in adjudicating similar disputes (Cammack & Feener, 2012).

A prominent example is Supreme Court Decision No. 265 K/AG/2010 concerning the annulment of a marriage due to the invalidity of the marriage guardian (*wali*). In this case, the Supreme Court emphasized the necessity of fulfilling the essential pillars and legal requirements of marriage under Islamic law, even where these requirements were not explicitly detailed in statutory legislation. In reaching its decision, the Court relied upon the legal doctrines of the Shāfi'i school of jurisprudence.

Another significant case is Supreme Court Decision No. 376 K/AG/2009 concerning an inheritance dispute involving children from an interfaith marriage. The Supreme Court adopted a progressive interpretation of Islamic inheritance law by recognizing the rights of a non-Muslim child through the doctrine of *waṣiyyah wājibah*. This decision illustrates the application of the principle of *maṣlaḥah mursalah* (unrestricted public interest) within Indonesia's positive legal system.

In the field of Islamic economic law, the Supreme Court has adjudicated numerous Islamic banking disputes by referring to contractual principles derived from *fiqh al-mu'āmalāt*. For example, in disputes concerning *murābaḥah* contracts, the Court has assessed the validity of transactions based on compliance with the substantive requirements of Islamic contract law rather than relying exclusively on the principles of general civil law. These decisions demonstrate that the Supreme Court functions not merely as an enforcer of statutory law but also as an active institution in shaping a legal order grounded in substantive and contextually relevant Islamic values.

The integration of Shari'ah principles into Supreme Court decisions further indicates that *uṣūl al-fiqh* serves as a methodological framework for judicial reasoning. Judges evaluate cases not only according to the literal wording of statutory provisions but also in light of moral values, public welfare, and considerations of social propriety (Auda, 2008).

From the perspective of *uṣūl al-fiqh*, this judicial approach reflects the practice of *ta'līl al-aḥkām* (identifying the legal rationale underlying legal rulings), which seeks to uncover the wisdom and objectives behind legal texts, as well as contextual *ijtihād* adapted to the changing needs of time and place.

Accordingly, the Supreme Court has become an important forum for dialogue between Shari'ah norms and state law. Rather than standing in opposition to Indonesia's secular legal framework, the Court has transformed it into a platform for articulating Islamic legal values in a manner that is legalistic, pluralistic, and adaptive.

The principal challenge in this integration lies in reconciling the rigidity of the national legal system with the methodological flexibility of *fiqh*. Nevertheless, the Supreme Court has demonstrated considerable institutional capacity to manage this dialectic through the development of judicial precedents and procedural regulations. Looking forward, the Court's role in enforcing Islamic law through the methodological framework of *uṣūl al-fiqh* is likely to become increasingly significant, particularly in addressing emerging legal issues such as Shari'ah-compliant financial technology (*fintech*), productive *waqf*, and digital social contracts.

Therefore, a comprehensive analysis of Supreme Court decisions is essential for assessing the extent to which the principles of *uṣūl al-fiqh* have been internalized within Indonesia's judicial practice and for evaluating how this process contributes to strengthening the harmonization of Islamic law with the national legal system.

Integration of Uṣūl Al-Fiqh Principles in Supreme Court Decisions

As the methodological foundation of Islamic law, *uṣūl al-fiqh* makes a significant contribution to shaping the normative orientation of legal reasoning toward justice and public welfare. Within the context of the Supreme Court of the Republic of Indonesia, the integration of

uṣūl al-fiqh principles into judicial decisions demonstrates that Indonesia's legal system has become increasingly receptive to Islamic legal reasoning that is rational, functional, and oriented toward the higher objectives (*maqāṣid*) of the Shari'ah (Auda, 2008; Kamali, 2006).

One of the central principles of *uṣūl al-fiqh* is *maqāṣid al-shari'ah*, which refers to the fundamental objectives of Islamic law. These objectives include the protection of religion (*dīn*), life (*nafs*), intellect (*ʿaql*), lineage (*nasl*), and property (*māl*) (Auda, 2008; Kamali, 2006). This principle has served as both a moral and functional foundation in several Supreme Court decisions, particularly those involving inheritance and marriage disputes.

The first relevant case is Supreme Court Decision No. 368 K/AG/1995, which affirmed the application of *waṣiyyah wājibah* (mandatory bequest) for non-Muslim heirs. In this decision, the Supreme Court did not rely solely on the normative provisions of the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*), but also considered the principle of *maqāṣid al-shari'ah* to ensure justice among family members. In its legal reasoning, the Court held that the complete exclusion of non-Muslim children from inheritance would contradict the principles of justice and humanity. Accordingly, the Court adopted the doctrine of *maṣlaḥah mursalah* (unrestricted public interest), namely, considerations of public welfare that are not explicitly prescribed in the revealed texts but are recognized through sound reasoning and social realities. The application of *maṣlaḥah* in this decision reflects the Supreme Court's willingness to undertake *ijtihād mu'āṣir* (contextual legal reasoning), particularly in cases requiring a balance between textual legal norms and the demands of substantive justice. Such an approach is fully consistent with the objectives of the Shari'ah, as it seeks to preserve family cohesion and promote social harmony.

A second illustrative case is Supreme Court Decision No. 441 K/AG/2010 concerning the annulment of a marriage due to the invalidity of the marriage guardian (*walī*). In this case, although the guardian was the bride's biological father, the Court ruled that his apostasy had invalidated his legal capacity to act as *walī*. The Court based its decision on *qiyās* (analogical reasoning), drawing upon the opinions of classical Muslim jurists who require the guardian to be a Muslim for the validity of an Islamic marriage (Hallaq, 2009; Kamali, 2003).

This decision exemplifies the application of *qiyās*, whereby legal principles derived from authoritative sources are extended to new circumstances that are not explicitly regulated by statutory law. Rather than relying exclusively on written legislation, the Supreme Court employed analogical reasoning grounded in classical *fiqh* to reach a decision that was both legally valid and consistent with Islamic jurisprudence. In its reasoning, the Court also incorporated the principle of *istiḥsān* (juristic preference), namely, adopting a legal solution regarded as more equitable or appropriate than the outcome that would ordinarily result from strict analogical reasoning when such reasoning would produce injustice. *Istiḥsān* functions as a corrective mechanism where formal legal rules prove excessively rigid and incapable of achieving substantive justice (Kamali, 2003; Auda, 2008).

In practice, *istiḥsān* provides judges with a strong jurisprudential basis for departing from dominant legal opinions when doing so better serves the public interest. In Indonesia, this approach is reflected in judicial interpretations that do not invariably apply the Compilation of Islamic Law literally but instead consider social realities, reasonableness, and fairness.

The concept of *maṣlaḥah* is likewise evident in Supreme Court decisions concerning Islamic economic law. One example is Supreme Court Decision No. 667 K/AG/2015, which resolved a *murābaḥah* dispute between a customer and an Islamic financial institution. In its reasoning, the Court emphasized the principles of contractual justice and transparency as fundamental objectives (*maqāṣid*) of *fiqh al-mu'āmalāt* (Islamic commercial jurisprudence) (Auda, 2008; Alfitri, 2007). In this case, the Supreme Court examined not only the formal validity of the contract but also the substantive protection of consumers as an essential element of economic public welfare. This approach demonstrates the Court's appreciation of economic *maqāṣid*, including justice, transparency, and protection against exploitative practices such as *gharar* (excessive uncertainty) and *ribā* (usury) (Auda, 2008; Kamali, 2006).

The application of *maqāṣid* is also reflected in the Court's consideration of *sadd al-dharā'ī* (blocking the means to harm). In cases concerning unregistered marriages (*nikah siri*) and the legal status of children, the Supreme Court has reasoned that recognizing a child's legal status is

essential to safeguarding the child's civil and psychological rights, even where the parents' marriage was not officially registered (Auda, 2008).

The relationship between the principles of public welfare and justice from the perspective of *uṣūl al-fiqh* has become a fundamental element of the Supreme Court's judicial practice. In numerous cases, the Court has not merely asked, "What does the written law prescribe?" but rather, "What is the purpose of the law itself?" This teleological approach is fully consistent with *maqāṣid*-oriented jurisprudence.

The principle of *maṣlaḥah* functions as a bridge between normative legal rules and the needs of contemporary society. By incorporating *maṣlaḥah* into judicial reasoning, judges are able to render decisions that are both relevant and solution-oriented without compromising the fundamental principles of the Shari'ah. This represents an application of *taṭbīq al-maqāṣid fī al-qaḍā'*—the implementation of the objectives of Islamic law in judicial decision-making.

Across many contemporary Islamic legal systems, *maqāṣid* has been employed to broaden the scope of legal reasoning beyond strict textual compliance toward the realization of higher values such as social justice, individual rights, and the protection of minority groups (Auda, 2008; Kamali, 2006). The jurisprudence of the Indonesian Supreme Court increasingly reflects this same tendency.

Within Islamic legal thought, justice encompasses not only legal justice but also moral justice. *Uṣūl al-fiqh* teaches that justice is achieved not merely by adhering to legal texts but also by considering the social and psychological consequences of judicial decisions (Hallaq, 2009; Auda, 2008). This broader conception of justice is reflected in many of the Supreme Court's context-sensitive decisions.

Accordingly, Supreme Court judges have, in effect, applied the methodology of *uṣūl al-fiqh* through legal reasoning that embodies the principles of *qiyās*, *maṣlaḥah*, *istiḥsān*, and even *istidlāl* (rational legal deduction). Although such reasoning is not always expressly characterized as *ijtihād*, it nevertheless produces substantively Islamic legal outcomes.

The integration of these principles has paved the way for Indonesia's legal system to become more responsive to Islamic legal values while preserving the principles of legal pluralism. The Supreme Court has emerged as a forum for synthesizing Shari'ah and national law. By drawing upon *maqāṣid al-shari'ah* and other methodological principles of *uṣūl al-fiqh*, the Court has developed judicial precedents that are inclusive, responsive, and adaptable to contemporary social change. This development represents a form of institutional *ijtihād* within the framework of a modern legal system (van Huis, 2024).

Therefore, the study of Supreme Court decisions is significant not only within the field of Islamic law but also in the broader discourse on legal reform. The integration of *uṣūl al-fiqh* into Indonesia's judicial practice marks a new stage in strengthening Islamic legal values within the framework of a democratic constitutional state governed by the rule of law.

Opportunities and Challenges for The Integration of *Uṣūl Al-Fiqh* in Indonesian Judicial System

The integration of the principles of *uṣūl al-fiqh* into Indonesia's judicial system is not without challenges. The primary obstacle arises from the reality of legal pluralism, which constitutes a defining characteristic of Indonesia's legal system, where Islamic law, customary law (*adat*), and national law coexist and interact (Menski, 2006).

This legal pluralism creates a complex discursive space because not all principles of Islamic law can be applied automatically within the framework of a modern constitutional state that upholds secularism and constitutionalism. Consequently, the integration of *uṣūl al-fiqh* requires a contextualized methodological approach that carefully reconciles Islamic legal principles with constitutional values (An-Na'im, 2008; Baderin, 2007).

One of the most significant challenges is the resistance to religiously grounded normative reasoning within the general court system. Indonesia's judiciary, particularly the Supreme Court, operates primarily within the framework of positive law, where the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata/KUHPerdata*) and the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana/KUHP*) remain the principal sources of legal authority.

Legal secularism encourages judges to adopt a predominantly positivist approach to adjudication, emphasizing statutory provisions and formal precedents. Consequently, the principles of *uṣūl al-fiqh*, which are qualitative, normative, and context-sensitive, are often regarded as lacking sufficient legal authority or practical relevance within the positive legal system (Hosen, 2007). Moreover, conventional legal education in Indonesia has traditionally focused more on procedural and doctrinal aspects of law than on an in-depth understanding of the philosophy and methodology of Islamic jurisprudence. As a result, many judges possess only limited familiarity with functional applications of concepts such as *maqāṣid al-sharī'ah*, *qiyās*, and *maṣlaḥah* (Opwis, 2010).

Another challenge concerns the need to safeguard religious diversity. As a multireligious society, Indonesia requires that the application of Islamic legal principles remain sensitive to adherents of other faiths in order to avoid legal exclusivism or the perception that one religious tradition dominates the legal system (Hefner, 2011).

The integration of *uṣūl al-fiqh* also encounters difficulties in achieving legal harmonization. Although many judicial decisions are based on the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*), their reasoning is not always fully aligned with national legislation. This normative tension weakens the position of *uṣūl al-fiqh* as an authoritative source of legal reasoning.

Despite these challenges, considerable opportunities exist to strengthen the role of *uṣūl al-fiqh* within Indonesia's jurisprudential framework. Its rich methodological tradition can broaden judicial perspectives in understanding substantive justice and the comprehensive objectives of law (Opwis, 2010).

One particularly significant opportunity lies in the application of *maqāṣid al-sharī'ah* as a philosophical framework capable of bridging religious norms with constitutional principles. The *maqāṣid* approach emphasizes social justice, the protection of human rights, and the moral development of society, thereby providing common normative ground for both Islamic and constitutional legal systems (Auda, 2008; Rosser-Owen, 2015). Similarly, the doctrine of *maṣlaḥah mursalah* offers a compelling basis for judicial reasoning in cases that are not explicitly regulated by positive law. By prioritizing the public interest as the ultimate objective of legal decision-making, *maṣlaḥah* aligns closely with the ideals of the modern welfare state (March, 2015).

This potential becomes increasingly evident when the Supreme Court adjudicates contemporary issues such as Islamic finance, interfaith marriage, the legal status of children born outside registered marriages, and cross-religious inheritance disputes. In such cases, the methodology of *uṣūl al-fiqh* provides legal solutions that are equitable, proportionate, and responsive to contemporary social realities.

Furthermore, *uṣūl al-fiqh* offers sophisticated instruments of legal rationality, including *istiḥsān* (juristic preference) and *istiṣlāḥ* (consideration of public welfare), which enable judges to resolve modern legal disputes with flexibility while preserving the moral foundations of Islamic law (Kamali, 2003; Hallaq, 2009). These principles are essential for maintaining the integrity of the legal system amid rapidly evolving social conditions.

The incorporation of *uṣūl al-fiqh* into judicial precedent would enrich the substance of Indonesia's national legal system by introducing a more holistic conception of justice. Such jurisprudence would produce legal precedents that possess not only formal legal validity but also strong social and ethical legitimacy.

To maximize this potential, a comprehensive strategy is needed to enhance judges' understanding of the principles and methodology of *uṣūl al-fiqh*. One crucial step is the strengthening of judicial education through curricula emphasizing *maqāṣid al-sharī'ah* and contemporary Islamic legal theory.

The Supreme Court could develop specialized training programs for judges serving in both the Religious Courts and civil courts dealing with matters related to Islamic law. These programs should integrate normative theory, legal methodology, and case-based analysis. Collaboration with Sharī'ah scholars from Islamic universities would likewise be essential in fostering interdisciplinary dialogue between Islamic legal theory and judicial practice. Such an

interdisciplinary approach would strengthen the integration of theory and practice within Indonesia's judicial system.

In addition, academic forums involving judges, Islamic legal scholars, and policymakers should be established to discuss the relevance and practical application of *uṣūl al-fiqh* principles within the national legal framework. Such forums would encourage the development of an epistemic consensus founded upon *maqāṣid al-sharī'ah* and the principle of public *maṣlaḥah*.

In the long term, the integration of *uṣūl al-fiqh* should contribute to the development of a distinctive Indonesian Islamic jurisprudence—one that remains rooted in the classical *fiqh* tradition while simultaneously engaging with constitutional values, human rights, and Indonesia's pluralistic national identity. Through such an approach, Islamic law can play a constructive role in shaping a national legal order that is just, inclusive, and responsive to contemporary challenges. *Uṣūl al-fiqh* thus serves as an important instrument for reinforcing the principle of justice within the framework of the Indonesian nation-state. Accordingly, the challenges posed by legal pluralism and secularism should not be viewed as threats but rather as opportunities to enrich Indonesia's legal tradition through a *maqāṣid*-based approach that prioritizes ethics, justice, and the common good.

CONCLUSION

The integration of *uṣūl al-fiqh* into Indonesia's legal system has demonstrated significant progress, particularly through the role of the Supreme Court in developing jurisprudence grounded in the values and principles of Islamic law. The Supreme Court functions not merely as an institution responsible for enforcing positive law but also as a judicial body that harmonizes *Sharī'ah* principles with the demands of Indonesia's pluralistic legal order. The application of concepts such as *maqāṣid al-sharī'ah*, *maṣlaḥah*, *qiyās*, and *istiḥsān* in numerous judicial decisions demonstrates that *uṣūl al-fiqh* serves as an effective methodological framework for achieving substantive justice and promoting public welfare.

This study finds that the principle of *maṣlaḥah* constitutes the most frequently employed concept of *uṣūl al-fiqh* in the legal reasoning of the Supreme Court, particularly in cases concerning inheritance, marriage, and Islamic economic law. The application of this principle enables judges to deliver decisions that not only comply with normative legal provisions but also respond effectively to evolving social realities and the needs of contemporary society.

Nevertheless, the integration of *uṣūl al-fiqh* continues to face several challenges, including legal pluralism, the predominance of positivist legal paradigms, and the need to strengthen judges' capacity to understand the methodology of contemporary Islamic jurisprudence. Accordingly, enhancing judicial education and professional training in *uṣūl al-fiqh* and *maqāṣid al-sharī'ah*, together with the establishment of academic forums that facilitate dialogue between legal practitioners and scholars, represents a strategic step toward strengthening this integration. Ultimately, *uṣūl al-fiqh* possesses considerable potential to serve as a foundational framework for developing a more just, inclusive, and welfare-oriented Indonesian legal system within the constitutional and democratic rule of law.

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