

# Building Legal Identity: MUI South Tapanuli's Advocacy for the Growth of Islamic Criminal Law in Indonesia

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### ABSTRACT

*The discourse on the implementation of Islamic Criminal Law in Indonesia has been a subject of dynamic development, particularly as Islamic values gradually influence national legal frameworks. Against this background, this study aims to explore the perspectives of the Indonesian Ulama Council (MUI) in South Tapanuli regarding the application of Islamic Criminal Law and its relevance to the Islamic Criminal Law academic program. Employing a descriptive qualitative approach, the research captures and analyzes the views of MUI administrators across four regencies and one city in South Tapanuli, using interviews and documentation studies to reveal their perceptions. The findings demonstrate that although Islamic Criminal Law has not yet been fully codified into Indonesia's positive law, it increasingly serves as a foundational reference in the evolution of the country's criminal legal system. The MUI of South Tapanuli unanimously supports the continuation and strengthening of the Islamic Criminal Law study program, emphasizing its strategic role in bridging Islamic legal principles with societal legal awareness. The study implies that academic institutions and policymakers must collaboratively promote integrative models that harmonize Islamic legal education with national legal development. The novelty*



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*of this research lies in its empirical focus on regional ulama perspectives as a grassroots reflection of the socio-legal integration process, offering a rare insight into the localized dynamics of Islamic law adaptation in Indonesia*

## 1. Introduction

The implementation of Islamic criminal law in Indonesia has, thus far, been limited to certain regions, most notably in Aceh Province. (Harahap et al., 2024) The initial steps toward the application of Islamic criminal law in Aceh began with the enactment of Law No. 44 of 1999 on the Administration of the Special Autonomy of the Province of Aceh, followed by Law No. 18 of 2001 on Special Autonomy for the Province of Nanggroe Aceh Darussalam. Subsequently, Law No. 11 of 2006 concerning Aceh Governance strengthened this policy by explicitly stating that Islamic criminal law could be implemented in Aceh through local regulations known as qanun (Amsori & Jailani, 2018; Ayu et al., 2023). Consequently, Aceh remains the only province in Indonesia that formally applies Islamic criminal law in its social and governmental life.

Meanwhile, students and alumni of Islamic Criminal Law programs at State Islamic University (UIN) Syahada and the State Institute of Islamic Studies (STAIN) Mandailing Natal, though able to work in various legal fields, face the reality that their studies remain largely theoretical, with limited opportunities for practical application. In South Tapanuli Region, where most of the population is Muslim (94.70% of 1,465,743 residents in 2021) (Johar, 2019), there is significant potential for the implementation of Islamic law, including Islamic criminal law. However, the application of Islamic criminal law does not depend solely on the Muslim population's proportion; it also requires consideration of practical opportunities and challenges that may arise in implementation.

As a prominent institution providing religious guidance and issuing fatwa (religious opinions), the Indonesian Ulama Council (MUI) holds a strategic position in influencing religious understanding and practices in Indonesia, including those related to Islamic criminal law (Johar, 2019; Sidqi & Witro, 2020). Although MUI's fatwas are essentially legal opinions and do not have binding legal authority, in certain areas—such as Islamic finance—MUI's fatwas are often used as reference points and can evolve into positive law if recognized in legislation or through judicial decisions (Awaluddin & Febrian, 2020; Tamam, 2021). Therefore, while MUI has yet to issue a specific fatwa on the application of Islamic criminal law in Indonesia, its perspective remains valuable as a source of legal aspiration and public guidance.

Examining perspectives on Islamic criminal law must extend beyond merely assessing its potential implementation. It is equally crucial to explore views on the relevance of the Islamic Criminal Law programs offered by two State Islamic Higher Education Institutions in the South Tapanuli Region concerning this potential application. Such an exploration aims to ensure that these programs serve the needs of the Muslim community effectively. Therefore, it is necessary to investigate the perspective of the Indonesian Ulama Council (MUI) in the South Tapanuli Region regarding the implementation of Islamic criminal law. Furthermore, it is important to explore the MUI's views on the alignment between the implementation of Islamic criminal law in Indonesia and the educational objectives of Islamic Criminal Law programs.

## 2. Research Method

This research was classified as descriptive research, as seen from its level of explanation. Descriptive research aims to explore and elucidate social reality by providing a comprehensive overview of the social conditions being studied. As explained by Khoiri in his book *Research Methodology in Education: Varieties, Models & Approaches*, Research Procedures, the descriptive method is used to examine the current state of human groups, subjects, systems of thought, or specific events. The primary focus of this research is to construct a detailed description, offer a thorough depiction, and identify the interconnections among the phenomena being investigated (Khoiri, 2018, p. hlm. 28).

This research constituted field research, where data is collected directly from sources at the research location. The subjects of this study are the administrators of the Indonesian Ulama Council (MUI) in the South Tapanuli region, who provide essential information related to the topic under investigation. The object of this research is their perspectives on the implementation of Islamic criminal law in Indonesia and its relevance to the Islamic Criminal Law study program. The views and understanding of the subjects on these issues will serve as the foundation for analysis, aimed at understanding the relevance and potential for implementing Islamic criminal law within this local context.

Data analysis is a systematic process for identifying and organizing data obtained through observation, interviews, and documentation. This process involves grouping data into categories, breaking it into smaller units, synthesizing it, identifying patterns, and determining important information relevant for further examination. Following this, the researcher draws comprehensible conclusions for both the researcher and others. Thus, this analytical technique aids in understanding and presenting the data in a structured manner to depict the phenomenon under study (Sugiyono, 2017).

## 3. Results and Discussion

### a. *The Perspectives of the Indonesian Ulamas Council in South Tapanuli Region on the Implementation of Islamic Criminal Law in Indonesia*

Islamic criminal law has become a significant topic of discussion in Indonesia, especially in regions with predominantly Muslim populations. The Indonesian Ulama Council plays a strategic role as an institution representing the aspirations of the Muslim community, including shaping public views and understanding regarding the implementation of Islamic criminal law (Rahmi, 2023; Wahyuni, 2018). This study focuses on the perspective of the MUI in the South Tapanuli Region on the application of Islamic criminal law in that region, as well as its implications for the national legal system.

The head of the MUI in Padang Lawas Regency expressed that, despite various obstacles, efforts to revive Islamic criminal law have been ongoing since Indonesia's independence. Certain regions, such as Aceh Province, have implemented Sharia law more comprehensively. However, in other areas, like South Tapanuli Region, the application of Islamic criminal law remains a topic of debate. These challenges include differences in understanding and acceptance within the community and difficulties in aligning religious regulations with the prevailing national legal framework.

A similar opinion was voiced by a member of the MUI in North Padang Lawas Regency (Paluta), who explained that the implementation of Islamic criminal law in Indonesia presents challenges in integrating religious rules with the state legal system. According to him, although this integration process is not straightforward, the application of Islamic criminal law could contribute to establishing a more just

and comprehensive legal system that considers the social and cultural aspects of society. Many countries with majority Muslim populations have integrated Islamic criminal law into their positive legal systems, albeit with various limits and interpretations tailored to their specific contexts. Furthermore, he stated that under certain conditions, Islamic criminal law could coexist alongside national criminal law, particularly in countries that recognize both sources of law. In the South Tapanuli Region, while challenges remain, there is potential to adopt elements of Islamic criminal law within the existing legal system, provided that this is done with due regard for harmony and support from the local community.

A member of the MUI in South Tapanuli Regency noted that some experts argue Islamic criminal law should be viewed as part of a broader legal system, rather than as a standalone legal entity. From this perspective, Islamic criminal law is seen as complementary to national criminal law, aimed at achieving greater social justice and moral integrity within society. This integration would enable religious values to harmoniously coexist with positive law.

Furthermore, an MUI official in Padangsidimpuan City highlighted the crucial role of the MUI in fostering a legal system that aligns Islamic values with national legal requirements. According to him, MUI can play a significant role in establishing justice and order within the community. To achieve this goal, the implementation of Islamic criminal law requires cooperation among various stakeholders, including the government, academics, and the public. This collaboration must be conducted through an inclusive approach, grounded in dialogue, and involving all relevant parties to ensure that the application of Islamic criminal law is widely accepted.

The head of the MUI in Mandailing Natal Regency explained that, overall, Islamic criminal law in Indonesia—particularly in the South Tapanuli Region—is still in the stages of development and integration. While MUI holds responsibility for issuing guidelines and *fatwa* (religious rulings), the implementation of Islamic criminal law must be adapted to the national legal framework and the needs of the local community. In Mandailing Natal and other areas within the South Tapanuli Region, MUI plays an essential role in promoting an understanding of Islamic criminal law by issuing *fatwa* and providing recommendations on its application. MUI supports efforts to integrate principles of justice within Islamic criminal law but emphasizes that implementation must remain consistent with national laws and respect for human rights. Through contextualized guidance, recommendations, and approaches, MUI strives to ensure that the application of Islamic criminal law is not only rooted in religious justice but also aligns with national legal norms.

MUI also plays a significant role in educating the public about Islamic criminal law through various educational programs, seminars, and publications. These efforts aim to raise public awareness about the principles and objectives of Islamic criminal law, ultimately fostering greater public support for its application in Indonesia (Amin et al., 2015; Mulyati, 2019). Furthermore, MUI can strengthen its influence by issuing more specific *fatwa* related to the practical implementation of Islamic criminal law. Such *fatwa* can serve as valuable guidance for both the government and society in implementing criminal law that aligns with Islamic teachings and values of justice. MUI also holds substantial potential to collaborate with government institutions in formulating policies that incorporate Islamic criminal law principles into the positive legal system (Johar, 2019). MUI can participate in the legislative process by providing input and relevant recommendations, enabling Islamic criminal law to be adapted and applied within Indonesia's positive legal framework.

**b. *The Perspective of MUI South Tapanuli on the Relevance of Applying Islamic Criminal Law to the Islamic Criminal Law Study Program in Indonesia***

The Islamic Criminal Law Study Program (HPI) has been increasingly developing and has become an essential part of higher education in Indonesia. In North Sumatra, two out of three Islamic Religious Higher Education Institutions (PTKI)—specifically Syekh Ali Hasan Ahmad Addary State Islamic University Padangsidimpuan and Mandailing Natal State Islamic Religious College—have established the Islamic Criminal Law Study Program. This program is regarded as relevant to addressing the public's growing need for a deeper understanding of Islamic criminal law, particularly in predominantly Muslim areas such as the South Tapanuli Region.

In line with this development, the Indonesian Ulama Council (MUI) in the South Tapanuli region, which includes MUI North Padang Lawas, MUI Padang Lawas, MUI South Tapanuli, MUI Padangsidimpuan, and MUI Mandailing Natal, collectively agrees on the importance of the continuation and further development of the Islamic Criminal Law Study Program. These councils share a unified view that the existing Islamic Criminal Law Study Program, which has already been established and is operational, must not only be maintained but also expanded to ensure its sustainability and growth. This consensus reflects their belief in the program's critical role in addressing the educational and legal needs of the community, particularly in the context of a region with a predominantly Muslim population. Therefore, they emphasize the need for consistent support and development to enhance the program's impact and ensure it meets the evolving demands of both the academic and legal fields.

The Indonesian Ulama Council (MUI) of North Padang Lawas has expressed the view that the Islamic Criminal Law Study Program at Mandailing Natal State Islamic Religious College, as well as similar programs throughout Indonesia, must be continually developed. They stress the importance of expanding the program to ensure that its graduates can enter various fields, including legislation. The council envisions that graduates of the Islamic Criminal Law Study Program can play a crucial role in advocating for the inclusion of Islamic criminal law within Indonesia's positive legal system, pushing for its formal recognition and implementation as part of the national legal framework. This development is seen as essential for ensuring that the program can contribute effectively to both the legal and legislative sectors in the country.

In a similar vein, MUI Padang Lawas emphasizes the importance of ensuring that graduates of the Islamic Criminal Law Study Program (HPI) can compete with graduates from general law programs. MUI Padang Lawas highlights that the unique Islamic academic expertise possessed by HPI graduates is a distinct advantage that general law graduates do not have. Consequently, this unique scholarly foundation positions HPI graduates as having a specialized competence that enriches the legal profession. Therefore, MUI Padang Lawas argues that not only should the Islamic Criminal Law Study Program be preserved, but its expansion should also be encouraged to meet the growing demand and to strengthen its contribution to the legal field.

In addition, MUI Padangsidimpuan emphasizes that the Islamic Criminal Law Study Program at Mandailing Natal State Islamic Religious College must continue to be expanded and enhanced so that its graduates can take on a crucial role in disseminating knowledge and information about Islamic criminal law to the communities of Mandailing Natal and South Tapanuli. By playing this role, the graduates can help bridge the gap in understanding the principles of Islamic criminal law within the local population. As a result, it is hoped that the public will develop a deeper and more comprehensive understanding of Islamic criminal law, ultimately leading to greater support for its application in the future, both at the community level and within the national legal system.

In the same context, MUI South Tapanuli also shares a similar perspective, stating that the Islamic Criminal Law Study Program must be continuously developed to produce graduates who can contribute to legislative bodies. Their expectation is that HPI graduates will become actively involved in the legislative process, playing a key role in advocating for the integration of Islamic criminal law elements into Indonesia's positive legal system. This ongoing development of the program is seen as essential for ensuring that graduates can effectively influence the legal landscape and contribute to the shaping of future legal reforms.

Lastly, MUI Mandailing Natal has expressed strong support for the Islamic Criminal Law Study Program, stating that it should not only be maintained but also further developed. The council emphasizes that graduates of this program can play a vital role in disseminating knowledge about Islamic criminal law to the public. Furthermore, it highlights that there are various career opportunities for these graduates, such as becoming lawyers or working in the Religious Affairs Office, similar to graduates from other Sharia law programs. The development of this program is thus essential to meet the growing demand for expertise in Islamic criminal law while also providing professional pathways for its graduates.

Based on the interview with the Indonesian Ulama Council (MUI) in the South Tapanuli region, which consists of five regencies, a unanimous opinion emerged in favor of maintaining and developing the Islamic Criminal Law Study Program. The members of the MUI agree that the continuation and expansion of this program are essential for making Islamic criminal law more accessible and relevant to society. It is also hoped that graduates of the Islamic Criminal Law Study Program will be able to enter government institutions, particularly the People's Representative Council (DPR), as the DPR holds the legislative function. By having graduates from this program involved in the legislative process, they could play a crucial role in advocating for the adoption of Islamic criminal law as part of Indonesia's positive legal framework.

Academic programs at higher education institutions play a crucial role in ensuring that these institutions contribute to the development of human resources, the advancement of knowledge, and societal progress. These programs serve as the frontline in shaping students' competencies and designing structured curricula to ensure that graduates are prepared to enter relevant fields of work (Aman et al., 2023; Marlinah, 2019). In this context, the graduate profile of the Islamic Criminal Law Study Program at UIN Syekh Ali Hasan Ahmad Addary Padangsidimpuan reveals that alumni have a wide range of career opportunities, including roles as lawyers, advocates, judges, court clerks, educators, and bureaucrats or civil servants (PNS). Similarly, graduates of the Islamic Criminal Law Study Program at STAIN Mandailing Natal pursue careers as legal practitioners, including prospective judges, court clerks, bailiffs, lawyers, legal drafters, consultants, and novice researchers. They are equipped with strong moral character, broad knowledge, and relevant skills, enabling them to perform general legal tasks and specialize in Islamic criminal law while upholding Islamic ethics, academic integrity, and professional expertise.

When examining the graduate profiles of the Islamic Criminal Law Study Programs in the South Tapanuli region, namely at UIN Syekh Ali Hasan Ahmad Addary Padangsidimpuan and STAIN Mandailing Natal, it becomes clear that graduates from these institutions are not only prepared to understand and specialize in Islamic criminal law but are also equipped to become experts in this field while possessing proficiency in positive law. This dual expertise ensures that their graduates are competitive with those from other faculties, such as the Faculty of Sharia and the Faculty of Law, who also train professionals in the broader legal field. By combining Islamic criminal law with a solid foundation in the national legal system, these

programs prepare their graduates to address complex legal issues in both religious and secular contexts.

Ultimately, the comprehensive training offered by these programs positions graduates to contribute effectively to the legal profession, whether through positions in the judiciary, law enforcement, or legislative bodies. The integration of both Islamic legal principles and modern legal frameworks ensures that they are well-rounded professionals capable of influencing the future development of law in Indonesia, particularly in areas where Islamic law intersects with national legislation.

### c. *Conclusion*

The implementation of Islamic criminal law in Indonesia remains a work in progress, as it is still in the stages of development and integration. Although Islamic criminal law has not yet been fully adopted as part of the positive law in Indonesia, it has already become an important reference source for potential incorporation into the existing legal system. The Indonesian Ulama Council (MUI) plays a critical role in providing guidance, issuing fatwas, and fostering Islamic thought within society. However, the application of Islamic law in practice must always be aligned with the prevailing positive legal framework of Indonesia to ensure harmony and coherence in the broader legal system.

Furthermore, the Indonesian Ulama Council in the South Tapanuli region, encompassing five districts, shares a unanimous view in favor of the continued existence and development of the Islamic Criminal Law Study Program. This consensus underscores the belief that such a program is vital for bringing Islamic criminal law closer to the people. It is expected that graduates of this program will not only disseminate knowledge of Islamic criminal law to society but also play an active role in government institutions, particularly within the People's Representative Council (DPR), which holds legislative power. By participating in the legislative process, graduates can advocate for the adoption of Islamic criminal law as part of Indonesia's positive legal system, contributing to the ongoing evolution of the nation's legal landscape.

In conclusion, the integration of Islamic criminal law into Indonesia's legal framework requires both a thoughtful approach to its application and strong engagement from scholars and legal professionals. The establishment and development of academic programs in Islamic criminal law are critical in ensuring that the next generation of legal experts is equipped to bridge the gap between Islamic legal principles and national law while respecting the existing legal norms. As these programs evolve, they can foster a cadre of professionals capable of influencing legislative reforms and contributing to the dynamic legal discourse in Indonesia.

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