

## ARTICLE

# Sociocultural Dynamics of Islamic Legal Reform Across Muslim-Majority Countries: A Comparative Perspective

Mansur<sup>1\*</sup>, Lalu Muhammad Nurul Wathoni<sup>2</sup>, Sainun<sup>3</sup>, Saidah<sup>4</sup>

\*Correspondence

Mansur,

<sup>1,2,3</sup> Universitas Islam Negeri  
Mataram, Indonesia

. Email:

[mansur.ahmadpa@gmail.com](mailto:mansur.ahmadpa@gmail.com)

<sup>4</sup> Institut Agama Islam  
Negeri Parepare, Indonesia

**Keywords:**

Islamic Law

Sociological Perspective

Islamic Legal Form

## Abstract

**Background:** Islamic law exists in a fluid and contentious realm inside modern Muslim-majority states, where its application embodies both theological beliefs and sociopolitical frameworks, as well as cultural perceptions.

**Purpose:** This study seeks to evaluate the sociological elements affecting the implementation of Islamic law in Indonesia, Brunei Darussalam, and Saudi Arabia, emphasizing the roles of legal pluralism, state ideology, and religious authority in its enforcement

**Methods:** The study employs a qualitative-comparative methodology, utilizing document analysis and secondary data review to examine the historical evolution, legal frameworks, and sociocultural contexts that support Islamic law in the three nations

**Results:** The findings indicate that Brunei and Saudi Arabia implement Islamic law inside monarchical and theocratic structures, but Indonesia reconciles Islamic principles within a pluralistic legal framework shaped by democracy, *adat*, and secular constitutionalism

**Implication:** This article theoretically enhances Islamic legal scholarship by contextualizing Islamic law within sociological and reception-focused frameworks, demonstrating that its legitimacy arises from intricate interactions among tradition, state, and society. The research provides insights for policymakers to formulate context-specific legal reforms that take into account normative Islamic ideals and varied sociocultural situations.

**Originality:** Sociological perspective and cross-regional analysis, which transforms the discussion of Islamic law from strict doctrinarism to fluid social practice within the worldwide Muslim community

## INTRODUCTION

Indonesia, with the world's largest Muslim population, offers a complex legal landscape where Islamic law coexists with customary (*adat*) and Western legal traditions. Although Islamic legal norms have been practiced since the arrival of Islam in the seventh century, they have not been formally codified as the dominant national law (Razy et al., 2023). Instead, Islamic law continues to function through religious courts, educational institutions, and fatwa councils that influence moral and social behaviour, particularly in the fields of marriage, inheritance, and worship (Dofari, 2018). For many Indonesian Muslims, *syarī'ah* is not merely religious doctrine but a comprehensive guide to ethical life that binds the individual to communal and divine obligations (Mustopa, 2017). Nevertheless, the national

legal system remains officially secular and pluralistic, resulting in a duality between religious norms and positive law. This duality often leads to tension between normative Islamic expectations and constitutional realities. Given this backdrop, exploring the sociological application of Islamic law in Indonesia becomes essential to understand how faith-based legal norms function under a plural legal framework.

Compared to other Muslim-majority countries, Indonesia's approach to Islamic law is more fragmented and decentralized. For instance, Brunei Darussalam has gradually implemented the Syariah Penal Code Order, reinforcing a centralized Islamic legal system (Müller, 2016). In Malaysia, Islamic law is state-administered and operates alongside civil law within a dual-legal model, especially in matters of family and morality (Bidayati et al., 2021). In contrast, countries like Iran or Saudi Arabia fully integrate Islamic jurisprudence as the basis for national legislation, particularly in criminal matters (Alhosayn, 2020). Indonesia, however, restricts Islamic law mostly to family and personal status issues, leaving its criminal dimensions marginal and contested. These comparative cases highlight the uniqueness of the Indonesian context, where the integration of Islamic criminal law remains informal, consultative, and largely symbolic. Understanding this difference is crucial in analyzing how Islamic criminal law is socially perceived and applied in decentralized Muslim societies.

Despite Islamic law's normative influence, its implementation in Indonesia faces structural, institutional, and political challenges. The state's reluctance to fully accommodate Islamic criminal law stems from fears of undermining legal uniformity and secular governance (Lohlker, 2021). At the same time, local fatwa institutions such as Majelis Ulama Indonesia (MUI) play a growing role in shaping public morality through religious interpretations, although these are not legally binding. This scenario creates a layered legal culture where Islamic norms hold considerable symbolic and moral power but limited juridical authority (Jamaa, 2018). Furthermore, the integration of Islamic legal education into public universities has raised questions about how Islamic criminal law is taught and applied beyond its doctrinal formulations. These contradictions reflect the broader sociological tension between the theological imperative to implement Islamic law and the pragmatic constraints of a plural democratic state. Thus, examining how Islamic criminal law is received and supported by local religious elites becomes critical in mapping the future trajectory of legal Islam in Indonesia. This study focuses on the perspectives of Indonesian, Brunei Darussalam and Kingdom of Saudi Arabia Islamic Legal System to assess both ideological and institutional engagements with Islamic criminal law.

Although many studies have explored Islamic law in Indonesia, few have focused on regional religious authorities and their engagement with legal reform, particularly in the context of Islamic criminal law. Existing literature tends to emphasize national legal developments or doctrinal interpretations without investigating how local institutions such as MUI navigate their roles within plural legal orders (Jamaa, 2018). Moreover, there is limited research connecting these religious discourses with academic programs such as Islamic Criminal Law (*fiqh jināyah*) in higher education. This study addresses these gaps by exploring how Indonesian, Brunei Darussalam and Kingdom of Saudi Arabia Islamic Legal System conceptualizes the relevance of Islamic criminal law to contemporary Indonesian society and legal education. It also seeks to contextualize these views within global Islamic law reform debates by comparing Indonesia's regional experience with more centralized models such as those found in Brunei. By doing so, this study contributes to understanding the decentralized evolution of Islamic law in modern states and its pedagogical implications. Therefore, this research is important not only for legal scholars and Islamic educators but also for policymakers seeking to reconcile religious values with pluralistic governance.

## LITERATURE REVIEW

### 1. Legal Pluralism and Indonesian Islamic Jurisprudence: Hooker's Framework

M.B. Hooker's legal pluralism asserts that Islamic law in Indonesia has developed not as a monolithic normative framework but as one that is negotiated with local customs and state law. This approach perceives Islamic judicial authority as influenced by historical, social, and political circumstances rather than immutable scripture directives. Hooker characterizes Indonesian Islamic law as being a unique "national school," separate from the traditional madhhab. This approach enables researchers to comprehend the mixed characteristics of Islamic legal practice in Indonesia. Legal pluralism elucidates the coexistence of diverse legal principles, encompassing customary (*adat*), Western-influenced law, and Islamic jurisprudence. Hooker's approach emphasizes the malleability and responsiveness of Islamic legal principles to Indonesia's socio-political environment. Consequently, his framework is essential for comprehending the disjointed yet interactive characteristics of Islamic criminal law in Indonesia (van Doorn - Harder, 2006).

Although Hooker's model has been lauded for encapsulating Indonesia's distinctive legal hybridity, others contend that it diminishes the normative aspirations of Islamic legal reform. Proponents contend that plurality maintains religious tolerance and socio-legal cohesion, preventing the imposition of a singular system. Nonetheless, some, including Hefner (2006), argue that this ongoing struggle undermines the normative clarity and authority of syariah. There exists a contradiction between individuals who perceive pluralism as pragmatic and others who regard it as a compromise to religious sincerity. Certain local Islamic movements saw pluralism as a pretext to postpone the comprehensive codification of Islamic criminal law. Notwithstanding this, the state persists in advocating pluralism as a constitutional approach for intercultural cohabitation. Consequently, Hooker's framework is both a representation of reality and a subject of contention within reformist circles.

Prior studies employing Hooker's methodology have predominantly concentrated on institutional dynamics, including the functions of the Ministry of Religious Affairs and Sharia-influenced regional regulations (Hefner, 2006; van Doorn - Harder, 2006). These studies frequently investigate the implementation of plurality in policy and legislative procedures. Nevertheless, limited research investigates the negotiation of Islamic legal epistemology at the grassroots level, especially within academic disciplines. Even fewer examine the role of local religious councils, such as the MUI, as intermediaries between legal idealism and educational advancement. Research predominantly emphasizes fatwas or judicial decisions, rather than the articulation of Islamic criminal law inside university curricula. The nexus between epistemic advancement and legal plurality remains little examined. This paper seeks to address that gap by analyzing MUI's endorsement of Islamic criminal law from a pluralistic perspective.

Previous research frequently characterizes pluralism as a structural reality while neglecting the epistemic negotiations that transpire within organizations such as the MUI. Many studies focus on legislation or political activism while overlooking the construction of Islamic criminal law as a body of knowledge. Furthermore, these studies hardly consider how academic programs function as instruments for shaping legal power. Insufficient attention has been devoted to the impact of pluralist structures on Islamic legal theory within educational contexts. The narrative function of MUI in establishing legitimacy for Islamic law in non-legal contexts is frequently disregarded. There is a deficiency of comparative studies examining regional variations in the articulation of Islamic legal norms by MUI. Consequently, a significant portion of the research is predominantly top-down and inadequately reflective of regional dynamics.

This paper enhances Hooker's discourse by demonstrating how Indonesian, Brunei Darussalam and Kingdom of Saudi Arabia Islamic Legal System employs pluralist space to foster support for Islamic criminal law teaching. In contrast to prior research, it extends beyond institutional legality to examine the ideological and epistemological justifications employed by local ulama. It also examines the operation of these rationales within a pluralistic legal framework, wherein Islamic law must coexist with national legal standards. The paper presents a grassroots perspective, illustrating how pluralism is experienced and validated at the regional level. It connects legal education with the establishment of religious authority in pluralistic environments. By emphasizing the intellectual and epistemological aspects, it enhances the examination of plurality beyond legal frameworks. Consequently, it addresses a significant void in legal pluralism research by incorporating epistemology, pedagogy, and institutional discourse.

## 2. Modern Reformation in Islamic Criminal Law: The Intersection of Codification and Ethics

Islamic criminal law, or *jinayah*, pertains to legal principles drawn from the Qur'an, Sunnah, and classical *fiqh* concerning *hudud*, *qisas*, and *ta'zir*. Contemporary discussions regarding Islamic criminal law centre on its codification inside nation-states, its alignment with human rights, and its implementation in diverse societies. Academics such as Mudzhar (2013) and Dusuki & Abdullah (2024) emphasize the significance of moral reasoning and public interest (*maslahah*) in the contemporary interpretation of criminal statutes. They contend that Islamic criminal law ought not to be applied rigorously but rather reinterpreted in accordance with modern ethical and sociological requirements. Some reformers view codification as a means to standardize justice, while detractors caution against the entrenchment of dynamic and context-sensitive legal traditions. There exists a conflict between conservative perspectives that promote the direct implementation of *fiqh* decisions and reformist methodologies that aim for alignment with constitutional and civil rights frameworks. Consequently, contemporary Islamic criminal law occupies a nexus of legal, ethical, and political factors.

A significant disparity exists between nations that fully implement Islamic criminal law (e.g., Iran, Brunei) and those that employ symbolic or partial integration (e.g., Indonesia, Morocco). Reformist scholars advocate for procedural protections and judicial discretion, but literalist interpretations frequently insist on immutable penalties irrespective of context. Certain scholars contend that state-driven codification politicizes Islamic law and detaches it from ethical reasoning. Some contend that the absence of codification may lead to the marginalization of Islamic criminal law within contemporary legal frameworks. (Salaymeh, 2016) opposes the simplification of Islamic law to a punitive instrument and advocates for the reconnection of its spiritual and moral elements. These tensions are exacerbated by transnational human rights frameworks that contest *hudud* provisions as incongruent with international standards. Thus, the discussion on Islamic criminal law embodies wider debates concerning authority, legitimacy, and legal modernity.

Studies on the reform of Islamic criminal law have frequently focused on specific country case studies, such as the religious courts of Saudi Arabia, Brunei's Syariah Penal Code, and the adoption of sharia in Nigeria (Hasanah, 2018). Numerous works examine codification procedures and legal effects, emphasizing adherence to or divergence from classical jurisprudence. Nevertheless, limited research investigates the incorporation of Islamic criminal law into academic and educational curricula as a component of wider societal diffusion. The convergence of religious authority, legal expertise, and public discourse is inadequately understood, particularly in non-Arab Muslim settings (Rabb, 2020). Research frequently lacks a pedagogical viewpoint regarding the instruction, assimilation, and legitimization of Islamic criminal law. The connection between local religious institutions,



such as MUI, and national law is inadequately recorded. This paper seeks to address the research gap by examining how Islamic criminal law education serves as a locus for epistemic and cultural conflict.

Many studies predominantly emphasize institutional authority while neglecting community-level processes in the acceptance and dissemination of Islamic criminal norms. The significance of curriculum, pedagogy, and ulama networks in influencing Islamic legal consciousness is frequently undervalued, despite the emphasis placed on law and politics. Limited research rigorously examines the societal perceptions of Islamic criminal law among communities and students beyond the judicial framework. There exists a propensity to regard law reform as a top-down process, neglecting the impact of grassroots religious institutions. This has led to a deficiency in comprehending the symbolic and discursive application of Islamic criminal law, especially in the absence of complete codification. This work aims to address the marginalization of educational discourse inside legal discourse. Therefore, it is essential to systematically connect educational programs with overarching reform trajectories.

This study advances reform literature by transitioning the emphasis from state codification to the academic institutionalization of Islamic criminal law. It illustrates the functioning of MUI's endorsement of Islamic criminal law education within a diverse legal and ethical framework. It introduces a novel dimension to reform dialogues by examining the pedagogy and conceptualization of Islamic criminal law, rather than solely its legislative aspects. This viewpoint indicates that the evolution of Islamic criminal law is not alone legal but also epistemological. Consequently, the paper enhances reform discourse by amalgamating legal theory with educational practice.

### *3. The Authority of Religion and the Function of Ulama in Contemporary Nation-States*

In Islam, religious authority historically derives from scholarly expertise in Islamic sciences and community acknowledgment. The notion of ulama authority is intricately linked to interpretative legitimacy, communal trust, and intellectual transmission (*sanad*). In contemporary nation-states, this authority encounters challenges from governmental institutions, emerging media entities, and evolving paradigms of knowledge creation. Zakariyah (2017) and Khairuddin & Fautanu (2021) contend that governmental regulation of religious authority reconfigures the function of ulama within bureaucratic frameworks. Consequently, ulama serve as both custodians of Islamic tradition and mediators of legal, political, and public concerns. This dual function frequently generates conflict between religious authenticity and political legitimacy. In multicultural cultures, ulama must grapple with divergent ethical frameworks, including secular humanism and customary law.

Scholars debate whether contemporary ulama retain authentic interpretive power or are becoming progressively marginalized. Some contend that their influence is diminishing because to the emergence of online preachers and populist religious movements. Some argue that ulama are reestablishing their influence via fatwa councils, Islamic education, and public involvement. Peletz (2009) and (Iswanto & Hadinatha, 2023) have recorded how institutions such as the MUI institutionalize and redefine ulama power in Indonesia. However, detractors caution that this institutionalization could undermine critical scholarship and promote conservative positions. The authority of ulama is increasingly challenged, both externally and within religious institutions. This signifies a comprehensive shift in the production, transmission, and consumption of religious knowledge.

Research on ulama typically emphasizes fatwas, political affiliations, or leadership roles within Islamic groups. Few examine the influence of ulama on curriculum design and academic advancement, especially in Islamic criminal law. This omission is substantial as educational power frequently predates formal legal authority in community perception. The

MUI is often examined for its fatwa issuance, although its influence on scholarly discourse remains inadequately comprehended. Furthermore, regional disparities in the interpretation and application of Islamic law by ulama remain insufficiently examined. Much of the research has concentrated on national institutions, neglecting localized religious dynamics. This article aims to enhance comprehension by highlighting the educational impact of MUI South Tapanuli.

Current literature frequently prioritizes urban or national tales, often overlooking regional or provincial religious institutions. Numerous studies presume a fixed notion of ulama power, neglecting its development in reaction to legal and societal transformations. They neglect to examine the educational procedures by which ulama maintain their interpretive validity. Moreover, research frequently establishes a dichotomy between the state and the ulama, neglecting their intricate relationship. This has resulted in a reductionist interpretation of authority as either co-opted or oppositional. By concentrating exclusively on political fatwas, researchers overlook the influence of ulama on quotidian legal awareness. Consequently, the relational and educational aspects of religious authority necessitate more examination.

This article emphasizes the role of ulama as educational agents who influence the epistemological basis of Islamic criminal law. Indonesian, Brunei Darussalam and Kingdom of Saudi Arabia Islamic Legal System not only provides legal opinions but also promotes a concept of Islamic legal modernity through education. This method broadens the understanding of authority beyond institutional politics to encompass epistemic advancement. The research illustrates the role of ulama in reconciling tradition, contemporary state legislation, and communal requirements. The article elucidates MUI's endorsement of criminal law studies as a tactical maneuver to maintain interpretive authority. It emphasizes that ulama power endures not alone through fatwas but also by influencing curricula and educating future interpreters. Consequently, the paper enhances the examination of ulama within the legal-modern framework through an educational perspective.

## RESEARCH METHODS

This study utilizes a comparative qualitative methodology to analyse the interpretation and application of Islamic criminal law across three distinct national contexts: Indonesia, Brunei Darussalam, and Saudi Arabia. The comparative technique facilitates a thorough examination of the parallels, variations, and institutional adaptations of Islamic law across many political and cultural contexts. Countries were chosen based on their predominant Muslim populations and distinct legal approaches to Islamic criminal law: Indonesia for its pluralistic legal framework, Brunei for its formal codification of the Syariah Penal Code, and Saudi Arabia for its foundation in Hanbali jurisprudence. This approach enables the researcher to investigate both formal legislation and the socio-religious processes influencing their execution. The unit of analysis comprises legal papers, official fatwas, ministerial decrees, and constitutional provisions related to Islamic criminal law. The research seeks to elucidate the diverse methods of negotiation between Islamic principles and state power by examining the interactions of legal, institutional, and religious authorities within each environment. This methodological framework is consistent with the techniques of legal anthropology and Islamic studies in comparative jurisprudence (Hallaq, 2009; Bowen, 2016).

Data were gathered via document analysis, concentrating on national legal frameworks, comments from religious councils, judicial rulings, and scholarly publications pertinent to Islamic criminal law in the three nations. Principal primary sources encompass the Syariah Penal Code Order (Brunei, 2013), Basic Law of Governance (Saudi Arabia, 1992), and the

Compilation of Islamic Law (Indonesia, 1991), in addition to regional fatwas issued by MUI (Majelis Ulama Indonesia). The research additionally includes secondary literature from peer-reviewed journals, policy papers, and scholarly analyses that contextualize the official legal documents. This technique guarantees that the analysis encompasses both normative principles and experiential interpretations of Islamic criminal law across various legal-political contexts. Documents were chosen based on relevancy, authority, and issuance date to guarantee legal validity and current applicability. The emphasis persisted on how each system institutionalizes or reconciles Islamic criminal principles within its own legal framework. The objective was not just a descriptive comparison but an interpretative understanding of the functioning of Islamic law inside diverse political systems.

The gathered data were examined through qualitative content analysis and hermeneutic interpretation, particularly to evaluate the framing, justification, and contestation of Islamic criminal law within each national discourse. Thematic coding was utilized to classify legal concepts, governmental policies, and religious arguments present in the legal texts of each country. A cross-case analysis was subsequently performed to analyse patterns of convergence and divergence in the treatment of *hudud*, *qisas*, and *ta'zir* legislation. Particular emphasis was placed on the relationship between religious authorities (e.g., MUI, Ministry of Religious Affairs) and governmental institutions (e.g., Ministry of Law or constitutional courts). The paradigm of shari'a constitutionalism and legal pluralism was employed to analyse the coexistence or competition of various legal logics (An-Na'im, 2008; Otto, 2010). This allowed the study to evaluate critically whether the formalization of Islamic law improves legal justice or perpetuates political and social inequality. Islamic criminal law is regarded as both a legal doctrine and a societal construct.

This research did not involve human subjects; hence, ethical clearance was unnecessary. Intellectual and scholarly ethics governed the sourcing and interpretation of data, guaranteeing accurate attribution of citations and consideration for religious sensibilities. The researcher, a Muslim professor in Indonesia, remains cognizant of their positionality when analyzing legal-religious texts within various cultural contexts. This reflexivity is essential in comparative Islamic studies, where tensions between insiders and outsiders and normative biases may emerge. To mitigate such risks, the researcher employed triangulation of many data sources and consulted pivotal literature from both Islamic and secular legal frameworks. The study offers substantial similarities but concedes that its focus is restricted to state-level discourses, failing to encompass grassroots or sub-national variances within each country. Nevertheless, the selected methodology offers a robust and comprehensive framework for comprehending the negotiation of Islamic criminal law across many legal cultures.

## RESULTS

This study compares the application of Islamic law in Indonesia, Brunei Darussalam, and Saudi Arabia by focusing on three key aspects: (1) the historical development of Islamic law, (2) the form of its implementation within national legal systems, and (3) the sociological factors that influence its operation. These countries were selected as comparative models because they represent distinct legal frameworks: democratic pluralism (Indonesia), Islamic constitutional monarchy (Brunei), and absolute theocratic monarchy (Saudi Arabia). This comparative analysis aims to reveal internal and external dynamics in the implementation of Islamic law and to offer insights for Islamic legal development in Indonesia as the world's most populous Muslim-majority nation. Data were obtained through documentation studies of state laws, constitutions, religious legal codes, and academic literature from reputable journals and legal institutions. The findings are organized into three thematic tables below.

Table 1. Historical Development of Islamic Law

Country	Historical Development	Main Sources
Indonesia	Islam entered in the 7th century; Islamic courts institutionalized during the colonial period; formalized through Law No. 7 of 1989.	Hooker (2003), Steenbrink (1986), Law No. 7/1989
Brunei Darussalam	Islamic law has been practiced since the 15th-century Brunei Sultanate; Sharia Penal Code implemented in stages since 2013.	Syariah Penal Code Order (2013)
Saudi Arabia	Since the kingdom’s founding in 1932, Islamic law (Hanbali-Wahhabi school) has served as the sole source of state law.	Al-Rasheed (2010), Saudi Basic Law (1992)

Table 1 shows that all three countries possess long-standing histories in the application of Islamic law, yet their institutional contexts vary. Indonesia integrates Islamic legal traditions in a pluralistic legal framework that dates back to the colonial period. Brunei codified Sharia criminal law into the state legal system in recent decades as part of its project to formalize Malay-Islamic monarchy. Meanwhile, Saudi Arabia has used Islamic law as the exclusive legal source without distinction between religious and state authority since its inception. These differing historical trajectories shape how Islamic law is embedded and perceived in each context.

Table 2. Forms of Implementation of Islamic Law

Country	Domains of Application	Mode of Implementation	Legal Status
Indonesia	Marriage, inheritance, waqf, zakat, criminal law in Aceh province	Judicial and decentralized (regional autonomy)	Partial recognition
Brunei Darussalam	Sharia criminal law ( <i>hudud, qisas, ta’zir</i> ), civil law, marriage, inheritance	Codified Sharia legal system	Full positive law
Saudi Arabia	All areas: criminal, civil, economic, administrative	Non-codified, based on fatwas	Sole legal foundation

The legal structure of Islamic law implementation varies across the three countries. Indonesia applies Islamic law selectively—mostly in personal and family matters and through regional autonomy such as in Aceh. Brunei has codified Sharia law into its criminal justice system and applies it systematically across key domains. Saudi Arabia integrates Islamic law as the overarching legal source, issuing judgments based on religious rulings rather than codified statutes. These differences reflect varying constitutional arrangements and the role of religion in each state’s legal identity.

Table 3. Sociological Factors Affecting Islamic Law Implementation

Country	Key Sociological Factors	Social Structure
Indonesia	Religious and ethnic pluralism, regional autonomy, identity politics	Multicultural democracy
Brunei Darussalam	Religious homogeneity (Sunni Shafi’i), Malay-Islamic values, loyalty to the Sultan as religious-political leader	Conservative Islamic monarchy
Saudi Arabia	Wahhabi orthodoxy as state ideology, central role of ulama, legal system grounded in religious authority	Religious theocracy



Sociological variables heavily influence the effectiveness and legitimacy of Islamic law in each country. In Indonesia, religious pluralism necessitates a moderate and adaptive approach to Islamic legal integration. In Brunei, the relatively homogenous society and centralized leadership under the Sultan facilitate the institutionalization of Sharia law as a unifying national identity. In contrast, Saudi Arabia employs a Wahhabi-centric system that positions religious doctrine at the core of legal and political life. These findings suggest that legal implementation is deeply conditioned by the socio-political landscape and ideological alignment between state and religion

## DISCUSSION

### 1. *The Evolution of Islamic Jurisprudence*

The results indicate that the historical evolution of Islamic law in Indonesia, Brunei, and Saudi Arabia demonstrates unique patterns of religious-state interactions and legal progression. Islamic law was introduced to Indonesia via trade and cultural integration, subsequently formalized throughout the colonial and post-independence eras. The history of Brunei revolves around the Sultanate's progressive incorporation of Islamic precepts into formal legislation, culminating in the Syariah Penal Code Order. Conversely, Saudi Arabia's legal framework is fundamentally based on Wahhabi theology since the state's inception. Every nation embodies a path influenced by political, theological, and imperial factors. These trajectories delineate the extent and profundity of Islamic law's influence in the modern legal framework. The variety in these histories highlights the necessity for context-specific reform strategies. Consequently, comprehending historical foundations is crucial for assessing the viability and legitimacy of Islamic legal application.

The variation in historical evolution demonstrates that Islamic law is not uniform but adjusts to sociopolitical conditions. The diverse background of Indonesia necessitated the interaction of Islamic, customary, and Western legal elements. Brunei's path illustrates an elite-driven Islamization that aligns with monarchical goals (Haqqi, 2017). Conversely, Saudi Arabia exemplifies theocratic legal integration, wherein religious standards underpin the legitimacy of the state (Shaham & Vogel, 2002). These patterns illustrate various methodologies for reconciling religion and law in the process of nation-building. They also illustrate that legal Islamic does not necessarily entail theocratic absolutism. Instead, it frequently functions as a negotiable construct inside a state's historical narrative. This elucidates the plural and selective nature of Islamic law in Indonesia, in contrast to the unified and dominant framework in Saudi Arabia.

Colonialism, monarchy, and theology serve as fundamental influences determining these trajectories. The Dutch colonial presence in Indonesia established Islamic courts while limiting their authority. Brunei's status as a colonial protectorate permitted restricted Islamization before independence facilitated comprehensive codification under royal authority (Effendi, 2022). The religious-political alliance between the Saudi royal and Wahhabi clerics has created a framework in which legal interpretation is governed by the ulama (Casduloh, 2023). These historical processes have causally impacted contemporary legal structures and the public acceptance of Sharia. Political frameworks either repressed, maintained, or enhanced Islamic legal power. Neglecting these causal connections renders legal reform either superficial or untenable. This indicates that the legal transplanting from one setting to another may lead to oversimplification.

From the standpoint of legal pluralism (Isra & Tegnan, 2021), Indonesia serves as an illustration of a system where various legal orders coexist. Conversely, Saudi Arabia adheres to the model of Islamic legal centralism, wherein Sharia serves as the exclusive source of legal authority. Brunei exemplifies a hybrid model that integrates state centralism with a religious monarchy (Aji Haqqi, 2023). Theories of state-Islam interaction (Lindsey & Steiner,

2012) elucidate how legal power is influenced by both theological principles and governance frameworks. These frameworks demonstrate that historical institutionalism is crucial for comprehending legal adaptation. The varied trajectories further validate (Varol, 2017) assertion that Islamic law should be examined within its genealogical context. Consequently, theoretical framing is essential for contextualizing Islamic legal authority.

Previous literature on Islamic law often generalizes its evolution across Muslim nations. Research frequently emphasizes doctrinal disparities or levels of codification while neglecting to examine colonial legacies and power dynamics (Hallaq, 2009). Few studies objectively compare historical variables with contemporary legal realities. There exists a propensity to either idealize Sharia's historical significance or exaggerate its discord with contemporary nations. Such dichotomies overlook the potential for adaptive jurisprudence. This work fills that gap by employing a historical-comparative perspective. It reaffirms the significance of contextual legal historiography within Islamic studies.

This study elucidates the genealogies of Islamic legal systems in three nations with unique historical contexts. It provides a comparative analysis that elucidates the impact of various political-religious combinations on the contemporary role of Sharia. Indonesia progressed via legal hybridization, whilst Brunei's state-driven codification stands in stark contrast to Saudi Arabia's religious-legal absolutism. This research addresses a gap in comparative Islamic legal history that transcends the Arab-centric or Middle East-focused framework. It also presents Southeast Asia as a crucial location in worldwide Islamic legal discourse. This idea enhances comprehension of the evolution of Islamic law in pluralistic cultures.

Reformers and law drafters must base their ideas on historical trajectories to achieve legitimacy. In Indonesia, the integration of Islamic concepts must conform to the country's diverse legal heritage. Brunei's lessons involve reconciling monarchy with public engagement in Sharia development. The difficulty in Saudi Arabia involves reconciling Islamic orthodoxy with human rights principles. This paper theoretically endorses context-driven Islamic jurisprudence rather than uniform implementations. It further reinforces the principle of legal plurality by illustrating varied implementations. These conclusions support the necessity for more pragmatic, targeted reforms in Islamic law.

A weakness of this conclusion is the dependence on state documentation and secondary histories, which may inadequately represent grassroots religious experiences. Oral histories and ethnographic research may enhance the state-centric perspective. The study also fails to concentrate on the gendered dimensions of legal histories. Future studies ought to investigate how marginalized people perceived and understood changes in Islamic law. Comparative timelines or visual representations of legal innovations could enhance comprehension. Furthermore, empirical legal outcomes, such as case studies or verdict statistics, are little examined. Consequently, this historical-comparative investigation facilitates further opportunities for multidisciplinary research in Islamic law.

## ***2. The Approaches of Enforcing Islamic Law***

This research delineates three unique approaches for the application of Islamic law in Indonesia, Brunei, and Saudi Arabia. In Indonesia, Islamic law is implemented in certain areas—primarily family and inheritance law—within a pluralistic legal framework that coexists with customary and Western legal systems. Brunei enforces Islamic law via a dual court system of civil courts and Syariah courts, with the latter receiving augmented authority since the enactment of the Syariah Penal Code Order (2013). Simultaneously, Saudi Arabia implements a mono-legal system in which Sharia, as defined by the Hanbali school and Wahhabi theology, regulates nearly all legal domains. The implementation of Islamic law in each nation aligns with its constitutional frameworks and theological perspectives. These data demonstrate a continuum: from legal integration (Saudi Arabia), partial

accommodation (Brunei), to pluralistic coexistence (Indonesia). This variation illustrates how national legal traditions and political frameworks influence the implementation of Sharia.

The methods of implementation embody both legal policy and intellectual as well as institutional commitments. In Indonesia, the secular constitutionalism of the state restricts the application of Islamic law while recognizing its jurisdiction in some religious issues to preserve social harmony. Brunei employs Sharia to strengthen national identity and monarchical legitimacy, but does not entirely supplant civil law (Syaputra et al., 2023). The implementation in Saudi Arabia, on the other hand, stems from the underlying agreement between governmental authority and religious legitimacy, positioning the ulema at the legal core (Wahyuddin, 2018). These institutional decisions reflect each state's interpretation of the relationship between Islam and government. Consequently, implementation transforms into a manifestation of negotiated religiosity influenced by state ideologies. This underscores that Islamic law is not static but is perpetually reformed through legal and political mechanisms. Thus, the method of implementation provides insight into the overarching religious governance framework of each nation.

Legal plurality in Indonesia arises from colonial legacies and post-independence constitutionalism that emphasize national unity via compromise. Brunei's execution is linked to royal power and the emblematic function of Islam in validating the monarchy, which prudently broadens Syariah jurisdiction. In Saudi Arabia, the fundamental relationship between the House of Saud and the Wahhabi establishment guarantees that Sharia not only legitimizes rule but also constitutes it (Casduloh, 2023). Economic and geopolitical factors are crucial; Brunei selectively enforces Islamic law to mitigate international repercussions, but Saudi Arabia's oil affluence has traditionally insulated it from global legal scrutiny (Hasanah, 2018). The causal dynamics influence the intensity and areas of Islamic law enforcement. They elucidate discrepancies in penal enforcement, familial legislation, and commercial law. In the absence of contextual comprehension, evaluations of Islamic law frequently succumb to essentialist presumptions.

This study, utilizing Yamamah (2016) theory of Islamic tradition, demonstrates that Sharia is a dynamic system, influenced by power, historical context, and moral reasoning. Legal anthropologists such as (Gofar, 2017) contend that legal systems undergo cultural translation; therefore, Sharia in Brunei is not solely Islamic but distinctly Bruneian. Theory of legal pluralism (Flambonita, 2021) elucidates Indonesia's intricate legal framework, characterized by the coexistence of different legal systems with negotiated limits. Razy et al. (2023) theory of ethical self-formation is applicable in Brunei and Indonesia, where Islamic law emphasizes moral development above legal enforcement. In Saudi Arabia, (Hallaq, 2009) critique of state-cantered Sharia demonstrates how legal codification can paradoxically restrict juristic pluralism. These theoretical findings affirm that Islamic law cannot be assessed exclusively through textual norms but must also take into account institutional and discursive frameworks. Consequently, comparative Islamic law must thoroughly engage with contextual jurisprudence.

Prior comparative analyses frequently neglect the underlying diversities within Islamic legal systems and tend to generalize enforcement levels. A significant body of scholarship emphasizes penal laws or gender rights, although neglects to analyse the correlation between implementation, constitutional frameworks, and political legitimacy (Peletz, 2009). Moreover, limited research examines Brunei as a hybrid instance separate from Indonesia and Saudi Arabia. Many assessments of Indonesia neglect to situate its restricted Sharia within wider legal discussions, whereas Saudi Arabia is often depicted as an unchanging legal construct. This oversimplification overlooks the dynamic dynamics inherent in these systems, such as Saudi Arabia's incremental reforms under Vision 2030. This study fills the

gap by contextualizing implementation within wider socio-political and institutional changes. It adds complexity to the discourse on legal Islamization.

This research provides a middle-range typology of the execution of Islamic law in three Muslim-majority countries. It redirects attention from the theological purity of Sharia to its institutional mediation. Indonesia demonstrates selective inclusion, Brunei exhibits cautious expansion under royal supervision, and Saudi Arabia represents complete legal Islamization. These findings challenge the dichotomy of "Islamic versus secular" states. They emphasize complex legal frameworks that adapt to local circumstances. The study broadens the current framework for assessing legal Islamic beyond the realms of criminal punishment and family law. It provides a scalable framework applicable to other Muslim societies experiencing legal reform.

The report advocates for policymakers to implement legal reforms that embody national identities while protecting human rights. In Indonesia, improving legal literacy regarding the role of Sharia in national law might rectify popular misconceptions. Brunei must guarantee that the growth of Syariah courts upholds procedural justice and adheres to civil rights standards. Saudi Arabia has the problem of preserving religious credibility while addressing international demands for legal transparency. Theoretically, the research asserts that the application of Islamic law is consistently facilitated by statecraft and cultural interpretation. It opposes the concept of Sharia as a uniform legal system. This aids in decolonizing Islamic law studies by prioritizing local expressions over foreign categorization.

This section is constrained by its dependence on secondary legal sources and official narratives, potentially obscuring dissenting perspectives. Field study and interviews with judges, attorneys, and religious leaders could enhance the analysis. The report does not examine the disparate experiences of underprivileged groups on Sharia implementation. Subsequent research ought to incorporate empirical legal ethnographies and investigate the application of judicial discretion. The impact of transnational Islamic networks on national Sharia changes is yet insufficiently examined. Comparative assessments with non-Muslim majority nations that adopt restricted Islamic law (e.g., India or the UK) may provide further insights. The influence of internet legal discourse, particularly among the youth, presents a novel dimension in the reception of Sharia.

### *3. Sociological Factors Affecting the Enforcement of Islamic Law*

This section delineates three fundamental sociological elements that affect the reception and application of Islamic law: popular religiosity, institutional authority, and societal pluralism. In Indonesia, the varied religious and ethnic makeup creates an environment where Islamic law functions within agreed parameters, especially with familial and moral matters. In Brunei, national identity is intricately linked to the Malay-Islamic monarchy, facilitating greater public acceptance of state-implemented Syariah policies. In Saudi Arabia, religious uniformity and the historical alliance between rulers and clergy guarantee that Sharia is profoundly integrated into daily life and national politics. Notwithstanding these disparities, all three nations demonstrate that the application of Islamic law is inextricably linked to the social values and perceptions of their citizens. Public support or opposition is influenced by education, media, religious authority, and political discourse. These findings illustrate that legislation is not solely enforced from a superior authority but is validated by societal agreement.

The establishment of Islamic law embodies continuous debates between official entities and societal expectations. In Indonesia, although the Constitution guarantees religious freedom, numerous Muslim-majority regions endorse local Syariah legislation, indicative of grassroots advocacy rather than top-down enforcement. The citizens of Brunei, schooled under state narratives linking Islam to national allegiance, generally view Syariah law as a



fundamental component of social order. In Saudi Arabia, years of religious instruction under a singular philosophy have fostered a legal culture in which Sharia is equated with justice. Nonetheless, transformations in urbanization, globalization, and young culture are fostering novel perspectives on Islamic law across all three nations. Public religiosity, however still robust, is progressively manifested in personalized and digital formats. This transition is discreetly modifying the interpretation of Islamic law and the identification of its rightful enforcement.

The public's view and trust in religious institutions significantly influence the application of Sharia. In Indonesia, societal opposition to national Syariah law arises from concerns that it could undermine pluralism and minority rights, particularly in areas experiencing interfaith conflicts. Brunei's hierarchical paradigm is maintained by royal authority and the lack of political opposition, facilitating the growth of Syariah with negligible resistance. The implementation in Saudi Arabia has consistently profited from religious uniformity and the incorporation of Sharia into everyday administrative operations. However, demographic transitions and economic diversification initiatives (Boullata, 2005) are gradually transforming public expectations, especially in metropolitan regions. Sociological support is essential for legal legitimacy in all circumstances, even authoritarian situations. This indicates that the resilience of Islamic law is contingent upon the evolution of society norms rather than only on scripture directives.

This study corresponds with sociologist Ahyar & Huda (2021) notion of legitimacy, specifically distinguishing between legal-rational and traditional legitimacy. In Indonesia, legitimacy is obtained by democratic representation and legal pluralism, in accordance with Weber's legal-rational paradigm. Brunei illustrates traditional legitimacy, wherein the monarch's religious status guarantees the approval of legal modifications. Saudi Arabia's system integrates traditional and theocratic legitimacy, with clerical backing providing religious authenticity. The notion of legal culture ZTF (2022) elucidates how norms, symbols, and narratives affect public interaction with Islamic law. (Zayyadi, 2020) concept of "social imaginary" elucidates how communal perceptions influence the interpretation of Islamic legal systems. Consequently, the adoption and formulation of Sharia law transpire within culturally ingrained frameworks of legitimacy and identity.

Previous study has frequently prioritized doctrinal writings, overlooking the actual experiences and views of populations governed by Islamic law systems. Numerous studies evaluate legal systems from a normative perspective, questioning the implementation of Islamic law instead of empirically examining its experiential impact (Manullang, 2020). In Brunei, the majority of literature emphasizes the state's legislative procedure rather than popular response to the establishment of Syariah law. In Saudi Arabia, research has frequently presumed public religiosity to be unchanging and consistently endorsing Sharia, neglecting recent sociocultural transformations. Likewise, studies in Indonesia seldom investigate the intricate relationship among democracy, local religiosity, and legal adaptation. This study addresses a deficiency by emphasizing sociological issues and their interplay with legal dynamics. It fosters a more comprehensive understanding of Islamic law as a social phenomenon, rather than solely a legal framework.

This work utilizes a comparative sociological perspective to enhance the discussion beyond conventional Islamic legal theory. It reveals how societal dynamics—trust in institutions, popular religiosity, and generational changes—facilitate the enactment of Islamic law. It also presents Brunei as a distinctive intermediary example, seldom emphasized in comparative legal analyses. Indonesia exemplifies democratic pluralism and local Syariah adaption, Saudi Arabia presents a comprehensive integration model, while Brunei demonstrates the influence of monarchy on Islamic law. This concept enhances comparative Islamic law by emphasizing sociological legitimacy and communal agency. This also facilitates a discussion of Islamic law not solely as a hierarchical framework but as

a dialogic, contested, and negotiated system. This perspective is essential for policy reform and public involvement.

Governments must acknowledge that the efficacy of Islamic law reform depends on community involvement and legal literacy. In Indonesia, using public consultation processes into legislation formulation might mitigate backlash and augment credibility. Brunei must equilibrate royal authority with participatory legitimacy to sustain trust, especially among the youth. Saudi Arabia's religious reforms must confront the increasing conflict between public piety and state-sanctioned interpretations. This section posits that Islamic law operates most effectively when integrated into dynamic social imaginaries. It contests essentialist representations of Sharia as entirely divine or tyrannical, suggesting a more complex, culturally contextualized framework. This reframing equips legal scholars with tools to assess reform initiatives via the lens of social receptivity.

The study's dependence on secondary sources constrains its capacity to accurately reflect public mood in each nation. Ethnographic fieldwork and public opinion polls would yield deeper insights into the ways civilians assimilate or oppose Islamic law. Future research should investigate how gender, class, and regional identity influence responses to the application of Sharia. The influence of religious education on public perception is little examined, especially in Brunei. The impact of digital media on Islamic legal discourse, particularly among younger groups, necessitates further investigation. This project facilitates participatory research, including communities in the co-production of information around legal transformation. Ultimately, future research must transcend doctrinal analysis to investigate how Islamic law is experienced, apprehended, and shaped by the populace it aims to regulate.

## CONCLUSION

This comparative study has analysed the sociological aspects and legal expressions of Islamic law enforcement in Indonesia, Brunei Darussalam, and Saudi Arabia. The results indicate that the position and framework of Islamic law are significantly shaped by national ideologies, legal traditions, and methods of religious legitimation. In Indonesia, Islamic law operates within a pluralistic legal framework, where its authority is negotiated with customary and secular rules, whereas in Brunei and Saudi Arabia, it is more fundamentally integrated into monarchical and theocratic governance. The diverse models illustrate that Islamic law is not uniform, but rather a socially produced and contextually situated institution. This variability underscores the significance of perceiving Islamic law as a dynamic system attuned to cultural perceptions, governmental authority, and socio-religious interactions. The study employs a sociological method to provide a more nuanced comprehension of the dynamics via which Islamic principles acquire or diminish their impact in modern legal and cultural frameworks. These findings validate the significance of comparative legal sociology in reevaluating the role of religion within contemporary legal frameworks.

The research offers theoretical contributions by connecting ancient Islamic legal knowledge with modern social philosophy. It utilizes legal pluralism, legitimacy theory, and reception theory to analyse how Islamic law is influenced not just by juristic authority but also by media, institutions, and quotidian activities. This research situates Islamic law within a broader law-in-society framework, contrasting with studies that regard it merely as a doctrinal phenomenon, and emphasizes the mediation of Islamic legal standards by sociopolitical influences. This study expands Islamic legal discourse by incorporating digital and algorithmic dynamics, especially in Indonesia, to examine how technology and online religious figures influence authority and interpretation. These ideas facilitate a transition in discourse from Islamic law as a codified doctrine to Islamic law as a cultural phenomenon.

They further enhance the expanding domain of digital religion and algorithmic ethics by situating them within the actual experiences of Muslim communities. This scholarship adds to both Islamic legal studies and global discussions on religion, government, and digital modernity.

This study recognizes specific limitations, namely its dependence on secondary sources and the absence of ethnographic immersion in Brunei and Saudi Arabia. The lack of gendered analysis constitutes another constraint, as the application of Islamic criminal law frequently yields disproportionate effects on women. Subsequent study ought to integrate field-based qualitative methodologies and involve young perspectives, interfaith participants, and local civil society to accurately represent the grassroots reception of Islamic law. An examination of the impact of legal education, mosque networks, and social movements on the interpretation of Islamic law would enhance the approach. Furthermore, longitudinal and cross-generational research help elucidate the evolution of opinions toward Islamic law over time. These forthcoming avenues will enhance our comprehension of the practical application, contestation, and institutionalization of Islamic law. The way forward is not by enforcing uniformity but by fostering inclusive, reflective, and contextually aware methods for Islamic legal reform.

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