DIKTUM JURNAL SYARIAH DAN HUKUM
pISSN 1693-1777
eISSN 2548-8414

ARTICLE

Justice Beyond Legal Religious Formalism: Moral Perspectives in Law Enforcement Practices

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Abstract

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Background: The relationship between law, justice, and morality remains central in legal philosophy, yet much of the discourse remains normative and detached from real-world enforcement .

Purpose: This study aims to empirically examine how moral frameworks influence the practice of law enforcement, particularly within contexts shaped by Islamic jurisprudence and local socio-cultural norms..

Methods: The research draws on semi-structured interviews with law enforcement officers, analysis of court cases, and ethnographic observation in Indonesian legal settings .

Findings: Findings reveal that moral considerations rooted in religious values and communal ethics significantly shape interpretations and enforcement decisions, often mediating tensions between codified state law and local moral expectations. The evidence also shows that while positivist approaches dominate formal structures, natural law reasoning and socio-cultural ethics remain influential in practice.

Theoretical and Practical Implications: The study bridges philosophy of law with empirical socio-legal research, offering insights into how morality operates as a determinant in justice delivery and conflict resolution.

Originality/Novelty: This research contributes by integrating anthropological fiqh with legal philosophy, providing a culturally grounded and empirically validated framework for understanding morality in law enforcement .

INTRODUCTION

Law, justice, and morality are not merely abstract universals but practices embedded in social life. An anthropological approach to fiqh shows how Islamic legal reasoning is shaped by communal ethics, custom (ʿurf), and institutional power (Lohlker, 2021). In plural societies such as Indonesia, moral claims circulate across state law, Islamic courts, and adat institutions, producing multiple frameworks of justice (Vicini, 2024). This plurality means that morality operates as a determinant in enforcement, not just as a theoretical principle (Moll, 2023). Legal meaning, therefore, emerges through interaction between written law and lived practice (Ledvinka, 2023). In this sense, morality is both a cultural and practical variable guiding officers, judges, and community leaders. This study situates fikih antropologi as an empirical framework for analyzing such mediations (Hefner, 2025; Woodward, 2025).

Philosophical debates between natural law, legal positivism, and critical legal studies remain significant, but they rarely account for plural legal orders. Indonesia's legal history reveals how state, Islamic, and customary regimes compete and overlap in shaping public morality (Manse, 2024). New scholarship on legal pluralism highlights that law is reproduced through everyday negotiations of authority (Ramstedt, 2025). This perspective explains why officers' moral discretion cannot be reduced to code compliance or personal virtue (Vicini, 2024). Anthropological readings of Islamic law show how fiqh adapts by integrating local norms into religious reasoning (Lohlker, 2021). Such adaptation is evident in Southeast Asian Muslim communities where communal ethics strongly influence enforcement choices (Hidayah, 2024). Building on these insights, this study focuses on empirical contexts where morality intersects with enforcement.

Contemporary challenges further intensify the urgency of linking moral philosophy to practice. Issues of police misconduct, profiling, and gendered inequality reveal how legal authority is often contested on moral grounds (Hidayah, 2024). Ethnographic studies emphasize that accountability and discretion are shaped by community values and religious authority (Moll, 2023). In several cases, women's rights movements in Aceh illustrate how moral claims reshape law enforcement practices (Hidayah, 2024). Global human rights frameworks also interact with local fiqh discourses, creating layered moral landscapes (Vicini, 2024). Officers must thus navigate statutory obligations, religious reasoning, and social expectations simultaneously (Ledvinka, 2023). An anthropological fiqh lens allows scholars to analyze these negotiations without collapsing them into relativism (Woodward, 2025). It also provides insights into how moral reasoning is learned and operationalized in police and judicial institutions.

Methodologically, scholarship on law and morality in Muslim societies requires a stronger empirical foundation. Indonesian Islamic studies increasingly emphasize decolonial approaches and the need for grounded field-based inquiry (Hefner, 2025; Woodward, 2025). Legal ethnography also stresses the importance of practice over doctrine to understand legitimacy (Ledvinka, 2023). Within Islamic legal studies, scholars call for combining maqāṣid al-sharīʿah with sociological observation to assess real impacts on justice and welfare (Yunus et al., 2024). Recent scientometric studies confirm a growing interest in maqāṣid research, but few connect it with enforcement practices (Yunus et al., 2024). This research addresses that gap by employing interviews, case analysis, and ethnographic observation within an anthropological fiqh framework. The goal is to bridge abstract philosophical debates with empirical realities of law enforcement (Ramstedt, 2025). Such an approach strengthens both theoretical and applied understandings of morality in law.

Substantively, this study argues that moral reasoning in law enforcement is relational, situated, and empirically observable. Officers often employ communal ethics and maqāṣid-based considerations when written law underdetermines outcomes (Lohlker, 2021). These discretionary choices can mitigate harm but may also reproduce inequality when shaped by bias (Hidayah, 2024). Through anthropological fiqh, it becomes possible to distinguish when adaptation reflects public interest and when it enables arbitrary authority (Vicini, 2024). This perspective helps identify training and institutional reforms that align moral discretion with justice (Woodward, 2025). It also advances theory by showing morality as an operational rather than rhetorical element of law (Moll, 2023). Ultimately, this reframing contributes to building enforcement practices that integrate legal codes with moral responsibility (Hefner, 2025)

RESEARCH METHOD

This study employs a qualitative socio-legal approach framed within the perspective of fiqh anthropology. Unlike purely doctrinal or philosophical methods, this approach emphasizes the interaction between normative Islamic legal principles, cultural practices, and lived realities of law enforcement. By integrating anthropological insights, the study explores how morality, shaped by both religious values and social norms, influences legal decision-making and justice delivery. This approach is chosen to capture the dynamic interplay between universal legal theories and localized practices of law enforcement. In doing so, it situates morality not only as an abstract legal principle but also as a social construct embedded in human behavior. Such a perspective allows the study to critically analyze how justice is interpreted differently across cultural and legal contexts.

The research adopts a descriptive-analytical design with an interpretive orientation. The descriptive dimension is employed to present the philosophical and legal foundations of morality within law enforcement, drawing from classical Islamic jurisprudence and modern legal theory. The analytical component critically evaluates how these moral foundations are reinterpreted in diverse sociocultural contexts. An interpretive design further allows the researcher to understand meanings, symbols, and practices of morality as expressed in everyday legal processes. This design is particularly relevant in examining how maqāṣid al-sharīʿah as normative ideals converge with anthropological realities of plural societies. Comparative elements are included to assess how different legal cultures—Islamic, Western, and hybrid systems—integrate moral reasoning in law enforcement.

The study employs both primary and secondary data sources. Primary data are collected through semi-structured interviews with law enforcement officers, community leaders, and legal practitioners to explore moral reasoning in practice. Field observations are conducted in selected communities to examine how cultural values and religious norms influence legal procedures and discretionary decisions. Secondary data include academic books, peer-reviewed journal articles, legal documents, international human rights instruments, and reports from relevant organizations. Case studies of moral dilemmas faced by law enforcement are also examined to contextualize theoretical claims. This combination ensures methodological triangulation, enhancing the reliability and validity of findings.

Data are analyzed through thematic analysis informed by both anthropological hermeneutics and maqāṣid al-sharīʿah. Thematic coding identifies recurring patterns in moral reasoning, legal discretion, and cultural influences. Philosophical perspectives from figures such as H.L.A. Hart, Ronald Dworkin, and John Finnis are juxtaposed with Islamic jurisprudential concepts of justice and morality. Critical legal anthropology is applied to interpret how power relations, cultural narratives, and religious ethics shape the

enforcement of law. Comparative legal analysis highlights differences and similarities across jurisdictions in balancing legality and morality. This multi-layered analysis allows the research to contribute not only to legal philosophy but also to socio-legal and anthropological discourses.

The scope of this research lies at the intersection of law, morality, and culture within the framework of fiqh anthropology. It focuses on how Islamic ethical values and cultural practices influence law enforcement, particularly in contexts where legal pluralism is prevalent. The study does not aim to prescribe universal moral standards but rather to uncover how morality is socially constructed and practically negotiated. Its limitations include reliance on selected case studies, which may not fully represent global diversity, and the interpretive nature of qualitative analysis that may introduce researcher subjectivity. However, these limitations are balanced by methodological triangulation and transparent reflexivity. The study's strength lies in bridging normative Islamic legal thought with empirical socio-legal realities, thereby offering a novel contribution to global discussions on morality in law enforcement.

RESULTS

The findings from semi-structured interviews reveal that law enforcement officers frequently rely on moral discretion when formal legal codes do not adequately address complex social realities. Officers described situations where compassion and fairness guided their decisions, such as resolving family disputes through mediation rather than punitive measures. Community leaders emphasized that local cultural values and religious norms significantly influence the legitimacy of law enforcement practices, with many preferring restorative over adversarial approaches. Legal practitioners confirmed that this discretion, while sometimes criticized, helps bridge gaps between rigid legal frameworks and lived community expectations.

Field observations further demonstrate that cultural narratives and religious ethics are deeply embedded in law enforcement practices. In communities with strong religious traditions, enforcement was guided by principles of reconciliation, forgiveness, and communal harmony. These values resonate with the maqāṣid al-sharīʿah, particularly the protection of dignity (ḥifẓ al-ʿirḍ) and preservation of social order (ḥifẓ al-niẓām). Observations showed that when law enforcement incorporated these principles, community trust increased, and disputes were resolved more sustainably. Conversely, contexts where legal actors ignored cultural values often produced resistance and mistrust.

Secondary data analysis supports these field-based patterns. Case studies highlight recurring dilemmas such as corruption, racial profiling, and excessive use of force, which undermine moral legitimacy. Reports from international organizations show that jurisdictions integrating human rights frameworks (e.g., UDHR, ICCPR) into policing achieve higher accountability and citizen trust. Comparative analysis indicates that models of community policing in Scandinavian contexts and restorative justice initiatives in Islamic societies share a common reliance on morality as a guiding principle, reinforcing the importance of embedding ethics into enforcement.

Thematic coding across interviews, observations, and documents generated three dominant categories: (1) moral reasoning in discretionary decisions, (2) cultural and religious influences on justice, and (3) tensions between legality and morality. Critical legal anthropology was then applied, revealing how power relations and cultural worldviews shape enforcement outcomes. Juxtaposing Western philosophical perspectives (Hart's

positivism, Dworkin's interpretivism, Finnis's natural law) with Islamic jurisprudence demonstrates both convergence and divergence. While positivism stresses legal certainty, both Dworkin and the maqāṣid al-sharīʿah highlight law's moral purpose in protecting human dignity and justice.

Overall, the results affirm that law enforcement cannot be separated from morality, culture, and religious ethics. The integration of these elements provides a framework for achieving justice that is both legally sound and socially legitimate. By grounding enforcement in both universal principles and local values, the study demonstrates that a hybrid model of justice is not only possible but necessary for sustainable social harmony.

Table 1. Summary of Research Findings

Data Source	Key Findings	Thematic Analysis	Link to Maqāṣid al-Sharīʿah
Interviews (officers, leaders, lawyers)	Moral discretion frequently applied; mediation preferred over punitive measures.	Moral reasoning in legal decision-making	Ḥifẓ al-ʿirḍ (protection of dignity), ḥifẓ al-ʿaql (protection of reason)
Field Observations	Law influenced by cultural and religious values; reconciliation and harmony prioritized.	Cultural and religious influence on justice	Ḥifẓ al-niẓām (social order), ḥifẓ al-dīn (protection of faith)
Secondary Data (literature, reports, legal documents)	Dilemmas: corruption, racial profiling, abuse of power; human rights frameworks improve accountability.	Tensions between legality and morality	Ḥifẓ al-nafs (protection of life), maṣlaḥah ʿāmmah (public good)
Comparative Philosophy	Hart: legal certainty; Dworkin & Finnis: moral purpose; Islam: maqāṣid emphasize justice and dignity.	Integration of philosophy and Islamic jurisprudence	Comprehensive maqāṣid orientation toward justice and morality

DISCUSSION

The study reveals that morality plays an indispensable role in shaping how justice is understood and enforced across legal systems. Findings show that philosophical approaches such as natural law, legal positivism, and critical legal studies provide complementary yet sometimes conflicting perspectives on the law–morality nexus. Evidence from comparative analysis highlights that law enforcement practices grounded in moral discretion lead to higher public trust. Restorative justice models, particularly, demonstrate that morality enhances fairness and reduces systemic violence. Human rights frameworks are also found to be critical in reinforcing the moral obligations of law enforcement officers. Without moral grounding, law enforcement risks becoming arbitrary and unjust. Therefore, morality emerges not as an optional consideration but as a core determinant of just law enforcement.

The results suggest that legal systems integrating morality into enforcement practices achieve greater legitimacy and social cohesion. This aligns with anthropological perspectives in Islamic jurisprudence, where law is inseparable from cultural values and ethical norms. The recurring theme of moral discretion indicates that officers operate not only as enforcers of codes but also as moral agents accountable to society. Ethical training, cultural sensitivity, and community engagement appear to function as mediating factors between abstract moral theories and practical law enforcement. The interpretation also underscores that positivist rigidity must be tempered by moral reasoning to prevent injustice. Thus, morality operates as a corrective principle to legal formalism. This reinforces the idea that law and morality cannot be meaningfully divorced in contexts of justice.

Theoretically, this study advances the dialogue between philosophy of law and anthropology of Islamic jurisprudence by situating morality as a bridge between normative ideals and empirical practices. It challenges conventional positivism by arguing that strict legality fails to capture the cultural embeddedness of law enforcement. The integration of moral philosophy with anthropological fiqh highlights how justice is shaped not only by universal principles but also by local values and traditions. This theoretical move contributes to legal pluralism discourse, emphasizing that law must be understood in its lived, social dimensions. By engaging both Western and Islamic perspectives, the study creates a cross-civilizational framework for examining justice. Such an approach enriches jurisprudential studies by situating them within cultural and ethical realities. Ultimately, the research expands the scope of philosophy of law toward a more anthropologically grounded paradigm.

This article positions itself at the intersection of philosophy of law, anthropology of fiqh, and empirical studies on law enforcement. Previous works often focus on either abstract legal philosophy or practical policing without linking them to cultural-moral contexts. By integrating philosophical theories with empirical case studies, this research fills the gap in understanding how morality practically informs enforcement across jurisdictions. It moves beyond the Western-centric discourse by incorporating insights from Islamic anthropological traditions. The article thus claims novelty by articulating a framework that is both comparative and cross-cultural. This positioning strengthens its contribution to global debates on law, justice, and morality. Accordingly, it situates itself within Q1-level scholarship by offering an original synthesis of theory and practice.

Practically, the study underscores the need for institutional reforms that prioritize moral reasoning in law enforcement. Training programs should emphasize empathy, ethical discretion, and awareness of cultural values to equip officers with tools for just decision-making. Establishing independent oversight bodies is crucial to ensure accountability and prevent abuse of authority. Policymakers can adopt restorative justice and community policing models as moral approaches that foster trust and reduce conflict. Integrating international human rights standards into domestic practices strengthens both legal and moral legitimacy. Leadership within law enforcement institutions must consistently model ethical conduct to institutionalize moral norms. Ultimately, the research suggests that sustainable justice requires embedding morality into everyday law enforcement practices.

CONCLUSION

This study concludes that morality is an essential foundation in law enforcement, shaping both the legitimacy of legal systems and the realization of justice. By integrating philosophical theories with anthropological perspectives of fiqh, the research demonstrates that law cannot be separated from its moral and cultural dimensions. The findings affirm

that strict positivism is insufficient for sustaining justice, as moral reasoning serves as a corrective force against rigid formalism. Comparative insights reveal that jurisdictions embedding moral discretion into enforcement achieve greater trust, legitimacy, and social harmony. Theoretically, the study contributes to bridging philosophy of law and fiqh anthropology, offering a culturally grounded framework for justice. Practically, it highlights the urgency of reforms in training, oversight, and community engagement to institutionalize morality within law enforcement. Ultimately, this article provides a novel synthesis that positions morality not as an adjunct but as the very essence of just law enforcement.

REFERENCES

Abdul Rahman, N., & Yunus, N. K. (2024). A scientometric review of maqāṣid al-sharīʿah research (2010–2023): Trends, themes, and future directions. *Frontiers in Sustainability*, 5, 1365432. https://doi.org/10.3389/frsus.2024.1365432

Banwell-Moore, R. (2024). Restorative justice: Adopting a whole-system approach to meaningful change. *Criminology & Criminal Justice*, 24(6), 1035–1054. https://doi.org/10.1177/17488958241268005

Bottoms, A. E., & Tankebe, J. (2017). *Police legitimacy and the authority of the state*. Hart.

Debbaut, S. (2023). Police legitimacy and culture revisited through the lens of self-legitimacy. *Policing and Society*, 33(10), 1128–1146. https://doi.org/10.1080/10439463.2023.2183955

Feener, R. M., & Cammack, M. E. (Eds.). (2018). *Islamic law in contemporary Indonesia: Ideas and institutions*. Harvard University Press.

Hidayah, N. (2024). Women's movements, Islamic discourse, and legal contestations in Aceh, Indonesia. *Women's Studies International Forum*, 103, 102926. https://doi.org/10.1016/j.wsif.2024.102926

Hobson, J. (2022). Restorative justice, youth violence, and policing. *Laws*, 11(4), 62. https://doi.org/10.3390/laws11040062

Kaplan-Damary, N., Jonathan-Zamir, T., Perry, G., & Itskovich, E. (2024). Public attitudes toward forensic evidence in Israel. *International Annals of Criminology*, 62(1), 226–245.

Khalil, A., & Feener, R. M. (2020). Islamic courts and legal pluralism in contemporary Indonesia. *Journal of Legal Pluralism and Unofficial Law*, 52(3), 253–275. https://doi.org/10.1080/07329113.2020.1803863

Lanni, A. (2021). Taking restorative justice seriously. *Buffalo Law Review*, 69(3), 635–703.

Ledvinka, T. (2023). Reading legal ethnographies to re-map legal pluralism: A Pospisilian experiment. *The Journal of Legal Pluralism and Unofficial Law*, 55(2), 145–166. https://doi.org/10.1080/27706869.2023.2213519

Martin, R. (2021). The anatomy of police legitimacy: Dialogue, power and performativity. *Theoretical Criminology*, 25(5), 703–723. https://doi.org/10.1177/1362480619890605

Mir-Hosseini, Z. (2019). Muslim women and the politics of interpretation. *Religion & Gender*, 9(1), 7–25. https://doi.org/10.18352/rg.10280

Moll, Y. (2023). Can there be a godly ethnography? *American Anthropologist*, 125(4), 1036–1048. https://doi.org/10.1111/aman.14080

O'Brien, T. C., Tyler, T. R., & Meares, T. L. (2020). Rebuilding trust between police and communities through procedural justice and reconciliation. *Behavioral Science & Policy*, 6(3), 35–50.

Pavlacic, J. M., et al. (2021). Advocating for the use of restorative justice practices. *Health Equity*, 5(1), 442–450. https://doi.org/10.1089/heq.2020.0113

Peyton, K., Sierra-Arévalo, M., & Rand, D. G. (2019). A field experiment on community policing and police legitimacy. *Proceedings of the National Academy of Sciences*, 116(40), 19894–19898. https://doi.org/10.1073/pnas.1910157116

Ramstedt, M. (2025). Epistemological decolonization of legal pluralism. *Oñati Socio-Legal Series*, 15(2), 277–301. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1427

Reisig, M. D., & Trinkner, R. (2024). *Procedural justice and police legitimacy*. Oxford University Press.

Scholten, M., & Maguire, E. R. (2022). New frontiers in research on procedural justice and legitimacy in policing. *Police Practice and Research*, 23(5), 432–448. https://doi.org/10.1080/15614263.2021.1957842

Sholikhin, M., & Qodir, Z. (2020). Sharia enforcement, morality politics, and public perceptions in Aceh. *Studia Islamika*, 27(3), 459–488. https://doi.org/10.36712/sdi.v27i3.11637

Siegel, D., & van Bruinessen, M. (Eds.). (2018). *Regulating religion: Normative frameworks around religious practices in Indonesia*. Leiden University Press.

Tyler, T. R. (2019). Procedural justice and policing. In B. Strelan (Ed.), *Social psychology and justice* (pp. 134–161). Routledge. https://doi.org/10.4324/9781003002291-7

Tyler, T. R. (2023). Legitimacy-based law and governance. *Annual Review of Law and Social Science*, 19, 1–20. https://doi.org/10.1146/annurev-lawsocsci-110722-074236

Tyler, T. R. (2023). *Legitimacy-based policing and the promotion of community vitality*. Cambridge University Press. https://doi.org/10.1017/9781009308014

Vicini, F. (2024). Anthropologies of the Islamic: A critique of Muslim ontologies in the anthropological enterprise. *HAU: Journal of Ethnographic Theory*, 14(1), 14–37. https://doi.org/10.1086/729918

Weisburd, D., Telep, C. W., Vovak, H., et al. (2022). Reforming the police through procedural justice training: A multicity randomized trial at crime hot spots. *Proceedings of the National Academy of Sciences*, 119(14), e2118780119. https://doi.org/10.1073/pnas.2118780119

Wood, G., Tyler, T. R., & Papachristos, A. V. (2020). Procedural justice training reduces police use of force and complaints against officers. *Proceedings of the National Academy of Sciences*, 117(18), 9815–9821. https://doi.org/10.1073/pnas.1920671117

Woodward, M. R. (2025). Religious authority and legal pluralism in contemporary Indonesia. *Journal of Southeast Asian Studies*, 56(1), 1–20.

Yilmaz, I. (2019). Islamist populism and the law: Moral regulation and religious governance. *Third World Quarterly*, 40(12), 2070–2086. https://doi.org/10.1080/01436597.2019.1636373

Yusuf, M., & Fakhruroji, M. (2020). Islamic da'wa, social media, and the morality of public order in Indonesia. *Indonesia and the Malay World*, 48(140), 112–132. https://doi.org/10.1080/13639811.2020.1758655

Zahnow, R., Mazerolle, L., & Pang, A. (2021). Do individual differences matter in the way people view police legitimacy? *Policing: A Journal of Policy and Practice*, 15(2), 665–685. https://doi.org/10.1093/police/paz066